

Coexistence with Castro's Cuba Editorial

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THE NEW REPUBLIC

A Journal of Politics and the Arts—May 11, 1974, 50 cents

Transcripts and the Truth

The Editors on Holes in the Story
John Osborne on Nixon Tactics
TRB on the Doomsday Roar
Excerpts from the Tapes

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TRB

from Washington
May 11, 1974

The Doomsday Roar

There's a place in the Niagara River where it seems to sense what's ahead and it gathers speed and hurries to its tremendous climax. We think that point is coming now in the Watergate story. President Nixon took another great gamble last week. The Rodino and Jaworski subpoenas were pressing him. There was a desperate deadline. And he opted not to go to the committee but to go to the people—to go on the air—and to publish a 1308-page blue volume of transcripts of edited conversations centering 'round that crucial conference March 21, 1973 with John W. Dean, III. He is the former White House counsel, with a choir boy's face, who spilled the beans to the Ervin committee. We listened to that presidential speech last week; we gulped down what we could of the printed conversations and we heard a murmur. It sounded like the doomsday roar of a great cataract ahead.

For the transcripts don't prove what the President says they do. In fact they are one of the most extraordinary documents—maybe the most extraordinary—in the history of the American presidency. They showed that in his speech to the nation the night before he quoted himself out of context to distort meanings to his own advantage. They showed that he countenanced clemency to keep crimes concealed. They showed that he gave orders to use the FBI and Justice Department against political enemies. There is a colloquy at one point between the President, Dean and former chief of staff H. R. Haldeman, that sounds like the talk of a bunch of malefactors figuring out how to raise bail and on whom to put the rap.

Dean is speaking: "There is a real problem in raising money," he says.

Watergate burglar Howard Hunt is trying to blackmail the White House. Says Dean, "Mitchell has been working on raising some money. He is one of the ones with the most to lose. But there is no denying the fact that the White House, in Ehrlichman, Haldeman and Dean are involved in some of the early money decisions."

Mr. Nixon: "How much money do you need?"

"I would say these people are going to cost a million dollars over the next two years."

"We could get that," the President replies. "On the money, if you need the money, you could get that. You could get a million dollars. You could get it in cash. I know where it could be gotten. It is not easy, but it could be done. But the question is, who the hell would handle it? Any ideas on that?"

"That's right," says Dean. "Well, I think that is something that Mitchell ought to be charged with."

President: "I would think so too."

And on and on. You wait expectantly for that line the President quotes in his speech in justification and defense. The White House alibi is that he was just testing Dean out. It was all make-believe. That is what he told the nation. The Nixon line is there, all right: "No it is wrong, that's for sure!" The trouble is that what is "wrong" does not seem to be moral repugnance but the prospect that the scheme won't work. Mr. Nixon amplifies this a minute later: "That's why for your immediate things you have no choice but to come up with the \$120,000 or whatever it is? Right?"

Dean agrees. The law-and-order President responds, "Would you agree that that's the prime thing that you damn well better get that done...?"

"Obviously," says Dean, "he ought to be given some signal anyway."

What happened? Why, the grand jury that last month indicted seven former high Nixon supporters noted that after the conversation Haldeman placed a call to John Mitchell who then called Nixon reelection committee official Frederick LaRue, who authorized \$75,000 in hush money for Hunt. The fact wasn't in the President's speech, of course, nor in the flattering summary of the transcripts edited by White House lawyer James St. Clair. But that's what happened, it is charged; later that night LaRue delivered the hush money to Hunt's lawyer.

National security. We have heard the excuse of "national security" so often

we laugh. You should read how the phrase was bandied around in the Oval Office. The problem is how to break the news of the White House connection to Watergate to the public. "What is the answer on this?" the President asks.

"You might put it on a national security basis," Dean suggests helpfully. Haldeman grabs the suggestion: "It absolutely was!" he exclaims. A minute later the President joins in:

"National security. We had to get information for national security grounds. ... With the bombing thing coming out and everything coming out, the whole thing was national security."

Dean: "I think we could get by on that."

Publication of these private conversations in one great volume was not necessary. It seems like an act of desperation. The White House did not even notify chairman Rodino when the speech was to be made. The committee has tried to prevent leaks and preserve privacies when it gets confidences. Mr. Nixon pushed it all out over TV. It shows a weakness in our form of government: the imperial President can preempt air time for a self-serving and basically demagogic speech (brilliantly delivered) and there is no opposition leader of comparable stature who can possibly answer him. Suppose a Joe McCarthy is President: does he get free air time at will? Mr. Nixon, for his part, sought to make political capital out of an impeachment trial by warning the nation against such a "wrenching ordeal" which, he asserted, would have an adverse effect on America's influence "throughout the world and on the lives of all Americans for many years. . . ."

Mr. Nixon edited the huge text himself. There is an amusing amount of "(expletive deleted)" interpolations, most frequently in Mr. Nixon's own conversation, though he leaves the "hells" and "damns." There is also a good deal of "(unintelligible)" and "(inaudible)." Here, for example, Press Secretary Ziegler is discussing how to explain things to the public on April 16, 1973. President: "Well, shall we say, the (inaudible). They could prejudice the rights . . . of innocent people."

Ziegler: "Doing this puts it (inaudible) that paragraph."

President: "(inaudible)." Ziegler: "(inaudible)."

Listening intently you hear the thunder of Niagara ahead. And for the nation it is a (expletive deleted) mess.

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Contents

Comment

Holes in the Story, Coexistence with Cuba, Corporate Secrecy, Bolling's Battle

The Nixon Watch: Tactics—

John Osborne

Excerpts from the Tapes

Holes in the Story

Mr. Nixon's latest plea of innocence and for an end to Watergate fails because his description of key events and the analyses prepared by his own aides do not correspond to known facts. In his nationally televised speech on the release of edited transcripts of conversations subpoenaed by the House Judiciary Committee, Mr. Nixon made statements the material itself contradicts. To start with, the President claimed to have first learned of the cover-up on March 21, 1973. But a transcript of eight days earlier, March 13, records that his counsel, John Wesley Dean III, told him that Gordon Strachan, an aide to H. R. Haldeman, knew about the bugging plans. Dean went on to say that twice in interviews, Strachan had "stonewalled" his interrogators, claiming not to know anything, to which the President responded: "I'll be damned! Well that is the problem in Bob [Haldeman's] case." During that same March 13 conversation (not March 21) the President makes quite clear that he also knew Jeb Stuart Magruder was involved in the Watergate affair.

Mr. Nixon said on television that on March 21 he discovered that Watergate defendant E. Howard Hunt was blackmailing the White House for \$120,000, threatening to reveal information "that would expose extremely sensitive, highly secret national security matters that [Hunt] had worked on before Watergate." Yet as the March 21 transcript shows, as far as the President knew the only thing Hunt could expose was the Ellsberg break-in. And on March 21, Mr. Nixon did not characterize that as a national security matter; he termed it "irrelevant." Dean offered him that label. So because of national security, the President went on to say last week, he "considered long and hard whether it might in fact be better to let the payment [to Hunt] go forward, at least temporarily in the hope that this national security matter would not be exposed." He did more than consider. The March 21 transcript makes plain that the President pressed early on and hard for the money to be passed to Hunt. "Just looking at the immediate problem," the President explained to Dean, "don't you think you have to handle Hunt's financial situation damn soon? . . . It seems to me we have to keep the cap on the bottle that much, or we don't have any options . . . Either that or it all blows away right now." A bit later, the President again brought up the money demand: "What do we do about it?" What indeed? That noon, Haldeman had

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called John Mitchell in New York and that afternoon, according to the Watergate special prosecutor, Mitchell called his aide Fred LaRue and authorized payment to Hunt. This was happening while Dean in the White House was telling the President: "Well, apparently Mitchell and LaRue are now aware of it [Hunt's demand], so they know how he is feeling." "True," the President replied, "Are they going to do something?" That is not the question of a man who "did not intend the further payment to Hunt or anyone else be made," which is how the President the other night characterized his "actions and reactions."

A major point on which Mr. Nixon insists is that he had decided after the March 21 meeting with Dean to "convene a new grand jury and to send everyone before the grand jury with instructions to testify." The grand jury option *was* discussed thoroughly, but as the President put it to Dean, as a "reason not to have [White House aides] go before the Ervin and Baker committee. It puts it in an executive session." His aides then suggested that White House witnesses could plead the Fifth Amendment before a grand jury. The President went further: "... You can say I don't remember. You can say I can't recall. I can't give any answer to that that I can recall." When Haldeman remarked that a grand jury might leak testimony, or that it might be in the interests of the White House to let some information come out, the President intervened: "Well, we could easily do that. Leak out certain stuff. We could pretty much control that. We've got so much more control." The discussion ended, with the grand jury option one of several to be talked over by Haldeman, Mitchell, Dean and John Ehrlichman. It did not end, as the President told us on television, with the decision to convene one. In fact the transcript of the next day's conversation shows that the grand jury option was dropped in favor of a Dean written report or a special judicial panel.

The President informed us last week that he learned on March 26 that Dean was unable to write a Watergate report; therefore, on March 27, he "assigned John Ehrlichman to try to find out what happened, who was at fault and in what way and to what degree." The edited transcript of that March 27 conversation among the President, Haldeman and Ehrlichman does not support this statement. Rather, Haldeman gave the President an oral report from Dean, dwelling at length on the prospect that Magruder might go to the prosecutors and admit perjury, and say that he and Mitchell

had approved the Watergate operation after pressure from the White House. Haldeman also relayed Dean's plan for a special panel of judges to look into the growing scandal.

The President also said on television that he was releasing a transcript of a call from Ehrlichman to then Attorney General Richard Kleindienst which showed that Kleindienst had been asked to report directly "any information he might find indicating possible involvement of John Mitchell or by anyone in the White House." The edited transcript leaves a somewhat different impression. It says the President had been told that Magruder was implicating Mitchell, and perhaps White House aides Colson and Haldeman through Haldeman's aide Strachan. What the President wanted from Kleindienst were reports on what was going on in the grand jury—information Dean had been able to get during the first grand jury, but not in the second. Hunt was testifying that day, and the President was concerned about what might be said. The President suggested that Ehrlichman tell Kleindienst; "You're not asking nor in effect is the White House asking [for the grand jury material]; that John Mitchell says you've got to have this information from the grand jury at this time and you owe it to him." By so phrasing the request, the President covered the White House interest and took advantage of Kleindienst's loyalty to Mitchell, who had promoted him to the cabinet position. The President also had Ehrlichman tell Kleindienst that Dean, Haldeman, Ehrlichman and Colson had no prior knowledge of Watergate—a misleading statement since by then, March 28, the President knew that Dean knew of the Watergate planning, and that all four might well be involved in an obstruction of justice.

In addition to undermining many of the President's public statements of the other evening, the edited transcripts raise basic questions about his own role in the Watergate cover-up. Clemency, for instance, "... I never offered clemency for the defendants," the President said last week. Then what did he do? On February 28, 1973, the President's counsel, John Wesley Dean III, reminded him that all the convicted Watergate conspirators were in jail, except E. Howard Hunt, who had been released on a \$100,000 bond. "I feel for those poor guys in jail," the President said, "particularly for Hunt with his wife dead." Dean remarked: "They are hanging in tough right now." To which Mr. Nixon replied, "What the hell do they expect though? Do they expect clemency in a reasonable time? What would you advise on that?" Clemency, Dean responded cautiously, was something that would have to be watched closely. The President pursued the question: "You couldn't do it, say, in six months." "No," Dean said, "you couldn't. This thing may become so political as a result of these [Senate Watergate] committee hearings that it is a vendetta."

Clemency was again discussed with Dean the morn-

COMING: Gerald Johnson
on voting Democratic—
confession of a party-liner

ing of March 21, 1973. Dean noted that James McCord, one of the convicted conspirators, wanted to talk about commutation, "and *as you know*, [italics added] Colson has talked indirectly to Hunt about commutation. All these things are bad, in that they are problems, they are promises, they are commitments." The Senate committee, Dean observed, would be looking for evidence of any such commitments but agreed with the President that they would be hard to prove, to which Mr. Nixon added: "pretty hard I mean as far as the witnesses are concerned." When Dean mentioned Hunt's wife, the President recalled there was "great sadness" in the Hunt family when she died in an airplane crash. Then: "As a matter of fact, there was a discussion with somebody about Hunt's problem on account of his wife and I said, of course commutation could be considered on the basis of his wife's death, and that is the only conversation I ever had in that light."

Conversing with Haldeman and Ehrlichman on April 14, 1973, the President again returned to clemency for Hunt. By now the Watergate cover-up was beginning to frazzle and the immediate worry was what Hunt might say to a grand jury. "You see," Mr. Nixon said, "the only possible involvement of the President in this is that, now apparently John, either you or Bob [Haldeman] or Dean, somebody told me they said, told [Charles W.] Colson not to discuss [clemency] with me." Ehrlichman replied that he was the "somebody." A moment later, the President referred to the talk he had had with Colson: "As I remember a conversation this day was about five thirty or six o'clock, that Colson dropped it in sort of parenthetically, said I had a little problem today, talking about Hunt and said I sought to reassure him, you know, and so forth. And I said, well. Told me about Hunt's wife. I said it was a terrible thing and I said obviously we will do just, we will take that into consideration. That was the total of the conversation." That afternoon, the President and Ehrlichman picked up the subject once more. "It's a shame," Mr. Nixon said, "there could be clemency in this case and at the proper time having in mind the extraordinary sentences . . . but you know damn well it is ridiculous to talk about clemency. They all knew that. Colson knew that. I mean when you talked to Colson and *he talked to me*" [italics added]. The inference to be drawn is that the President wanted to retain the prospect of clemency, not as something to be promised but held out as a possible future move.

In a session with Dean two days later, April 16, 1973, clemency was again on the agenda. Dean had been talking to the prosecutors and the President knew it; early in their conversation he asked Dean to sign a letter of resignation and raised the issue of clemency as a possible count in a charge of criminal obstruction of justice. Well, you take for example the clemency bit," the President began, ". . . Colson's talk

with [William] Bittman [Hunt's lawyer] where he says he will do everything I can because as a friend." Dean replied that in fact "Colson presented his story to Ehrlichman regarding [clemency] and then John gave Chuck very clear instructions on going back and telling him [Hunt's lawyer], 'give him the inference he's got clemency but don't give him any commitment.'" "No commitment," the President said. "Right," said Dean, to which the President replied: "That's all right. No commitment. I have a right to say here—take this fellow like Hunt or a Cuban whose wife is sick or something and give them clemency for that purpose— isn't that right?"

Conversations between Colson and Bittman, and between the President and Colson concerning clemency or commutation or parole for Hunt, took place on January 3 or 4, 1973. Hunt was facing trial. On the last day of December 1972 he wrote Colson pleading with his old friend to meet with his lawyer, William Bittman. Colson agreed. There were two meetings. On January 4, Ehrlichman and Dean met for lunch with then Attorney General Richard Kleindienst, and discussed whether the government would make some deal on a short sentence for Watergate defendants. Neither Hunt nor Bittman has ever said what they were told about clemency. Whatever was said in those two days, however, seemed to satisfy Hunt. For on January 4, after Bittman's second meeting with Colson, Hunt's lawyers went to the government prosecutors and began negotiating an agreement on a plea of guilty.

The President understood the hazards of any publicized offer of clemency. Dean, in their March 21, 1973 conversation, had pointed out that after the Watergate hearings it might be "just too hot" to deliver on any firm clemency promise. "You can't do it politically until after the '74 elections," the President said, "that's for sure. Your point is that even then you couldn't do it." Dean agreed and said: "It may further involve you in a way you should not be involved in this." The President replied, "No—it is wrong that's for sure." Was he referring to the fact that it would be impolitic to be so closely associated with a move on behalf of the Watergate defendants, or was he ruling out any idea of clemency? On the record of the edited transcripts, the former seems the more plausible conclusion. Although Mr. Nixon apparently never authorized an offer of clemency—according to available transcripts—he talked to Colson and others about it as a possibility.

The public was told last week by the President that he "did not intend the further payment to Hunt or anyone else to be made." He said something similar nearly a year ago, May 22, 1973: "At no time did I authorize or *know about* [italics added] any offer of executive clemency for the Watergate defendants." According to the transcripts, that statement was made

more than a month after the President *had* spoken to Colson about commuting Hunt's sentence and learned that Colson in turn had told Hunt's lawyer that clemency would be sought. Moreover, on August 15, 1973, the President admitted that he had been told on March 21, 1973 "that a member of my staff had talked to one of the defendants about clemency but not that offers of clemency had been made." What he did not admit was that he himself had told Dean the subject had been raised with Colson. In his testimony before the Watergate committee, John Dean reported that the President in their late-night April 15, 1973 conversation had said it was a mistake for him to have discussed clemency for Hunt with Colson.

The controversy over clemency illustrates how important additional undisclosed tapes may be. Where is the tape of that late afternoon meeting with Colson, where clemency was, in the President's words, "dropped . . . in sort of parenthetically . . ." The special prosecutor, Leon Jaworski, wants that tape; so does the House Judiciary Committee. Neither has it.

Rather than strengthening the President's case, the edited transcripts do the opposite. The atmosphere smells more of the Mafia than of the Oval Office—Big Time Operators with "a problem" (not the problem of justice), trying to block or divert potential prosecutors. It is as if they were *not* the government. Colson is to be retained as an unpaid consultant so that he can be protected by executive privilege. When told that a Cuban committee was used as a channel for passing cash to defendants, the President suggests, "I would certainly keep that cover for whatever it is worth." When informed that Magruder is going to tell the truth, the President asks if there is "any way that Magruder can stick to his story?"—the story being Magruder's lie to the original Watergate grand jury. When told that it would be difficult, the President muses: "If Magruder is going to lie about it, you know, I am sure he checked it out. If Magruder is going to say then—then what the hell is in it for him." Later, the President suggests that Magruder "had better plead the fifth amendment. I don't think he's got any other choice." When discussing what Hunt might testify, the President refers to "so-called hush money"; then, thinking aloud, he asks, "Where does that serve [Hunt]? Would it reduce his sentence?" Haldeman suggests the same purpose would be served by saying it was not hush money—a phrasing that would relieve White House aides of criminal liability for having supplied some of the cash; Hunt could call it support money, an idea the President grabs: "That's right, that's what it ought to be and that's got to be the story. That . . . will be the defense of these people, right?"

The transcripts range far beyond Watergate, giving new evidence on allegations of presidential misuse of government power. Thus we learn that on September 15, 1972 Mr. Nixon ordered his staff to have the Post

Office check to see if the McGovern campaign was actually receiving large numbers of small contributions. He also told his aides that day that the Justice Department would not follow up a General Accounting Office request to investigate Watergate-related Republican funds, unless "they prosecute" violations by Democrats. On March 13, 1973, exasperated that the Ervin committee would not inquire into alleged Democratic campaign misdeeds, he said, ". . . Investigations were supposed to have been taken for the 34 (unintelligible) contributed to McGovern . . . Do you need any IRS [Internal Revenue Service] stuff?" In discussing the nomination of L. Patrick Gray III as director of the FBI, the President said, "After going through the hell of the [Senate Judiciary] committee hearings, he will not be a good director, as far as we are concerned." His counsel, Dean, then commented that Gray would *want* to "play ball" with the White House, "but he may not be able to." "I agree," the President responded, "that is what I meant."

Wiretapping of newsmen and others for political intelligence is another charge that has been lodged against the President, and the transcripts seem to support the charge. In an April 16, 1973 conversation with Dean, Mr. Nixon talked of the wiretap on Joseph Kraft "and others' columns" through "private sources," initially because "Hoover didn't want to do Kraft," and later added that "most of it was done through the bureau." The reason for the taps, according to the President, was "leaks from the National Security Council . . . We were trying to plug these leaks and we had to get it done." "In my view," the President said, "I consider that [wiretapping activity] privileged." He hoped that Dean would not mention it to the prosecutors. "I think it is privileged also," Dean agreed—yet the President turned the information on the taps over to the Senate Watergate committee!

Coexistence with Cuba

The bankruptcy of US policy toward Cuba is recognized by nearly everyone. It is apparent in the repeated attempts of the Castro regime to resume the normal relationship with Washington broken by President Eisenhower 13 years ago. It is reflected in the attitudes of such Western Hemisphere states as Argentina and Canada, whose recent sales to Cuba of automobiles, trucks and locomotives manufactured by US subsidiaries circumvents the Nixon administration's continuing boycott on trade with Havana. It is mirrored in subtle efforts by Moscow to mend the ruptured link between the US and Cuba, and thereby reduce Soviet aid to Havana, now running at about

\$1.5 million a day. It is evident in statements by US trade union and business leaders like United Automobile Workers president Leonard Woodcock and Pepsi-Cola Company chairman Donald E. Kendell, who see Cuba as a market for their products. It is underlined in Congress, where the Senate Foreign Relations Committee unanimously voted a resolution the other day calling on Mr. Nixon to end the embargo on commerce with Cuba and reestablish diplomatic ties with the Castro government. And it is implied in Secretary of State Kissinger's private remarks that the rigid US position on Cuba is not his doing but is a result of "the President's orders."

It is of course inconsistent for the President to boast of détente with the Soviet Union and rapprochement with the People's Republic of China, and, at the same time, treat the tiny island of Cuba as if it were a dynamic revolutionary menace to international stability. But Mr. Nixon's intransigence toward Cuba seems based on personal and political estimates unrelated to any sensible perception of national interest. Some sources submit that he has disliked Castro ever since he met with him at the United Nations in 1959, and that he is still swayed by the memory of that encounter. Others point out that his view of Cuba is influenced by his close friend Bebe Rebozo, who is of Cuban origin and who is hostile to a reconciliation with the leftist Havana government. Another school of thought suggests that the President's intractability stems from the fear that elements in the Cuban refugee community in Florida, which had connections with the Watergate conspiracy, may be threatening him with further revelations. A more plausible thesis is that Mr. Nixon, facing the specter of impeachment, is anxious to avoid alienating the conservative elements in Congress. Once again, then, we are witnessing an example of executive weakness prolonging an obsolete policy that should have been changed long ago.

The opportunity for a healthier relationship between the US and Cuba was ignored by the Nixon administration in late 1972, when two hijacked American airplanes landed in succession in Havana. The Castro government took the initiative in negotiating an agreement to end the nasty hijacking business, but the administration failed to respond sympathetically. Castro again sent up a signal when his ambassador to Mexico, Fernando Lopez Muino, said that Cuba would discuss the renewal of links with Washington on condition that the US end its trade embargo. That overture was followed up not long after by an indication from Soviet leader Leonid Brezhnev, then visiting Havana, that he might act as intermediary in a reconciliation. These gestures came to nought. Kissinger, echoing the President's sentiments, declared that Cuba's "hostility" and its "commitment to a revolutionary policy" constituted the "major obstacle."

Meanwhile troubled by this lack of US flexibility, countries in the Hemisphere that had hitherto fol-

lowed Washington's lead began to act differently. In March, challenging the embargo that prevents US subsidiaries from trading with Havana, a Canadian firm owned by Studebaker-Worthington Inc. of Harrison, NJ contracted to sell locomotives to Cuba. Soon after that, the Argentine subsidiaries of Chrysler, Ford and General Motors signed a \$150 million contract to sell Cuba 44,000 cars and trucks as part of a \$1.2 billion commercial accord between Argentina and Cuba. In both instances the State Department, which must sanction such transactions, delayed giving its approval and then relented begrudgingly. In each case, however, the US suffered. Needled by members of his own coalition, Canada's Minister for External Affairs Mitchell Sharp was forced to concede that US interference "is undesirable and does not promote good relations between our two countries." Argentina, which threatened to nationalize the US companies unless permitted to trade with Cuba, thereafter became an outspoken advocate of the Castro regime.

Speaking at the General Assembly of the Organization of American States in Atlanta last month, Kissinger said that "we in the US have come to realize that a revolution has taken place in Latin America" and that, as a consequence, "we convene as equals." But the administration's coolness toward Cuba, combined with its attempts to block other countries in the region from dealing with Castro, make a mockery of Kissinger's rhetoric. More seriously, the administration's heavy-handedness is doing little to endear the US to the neighbors, at least half of whom are currently prepared to take a relaxed approach to Cuba. The prospect, therefore, is that the US will become increasingly isolated from the lands with whom it is supposed to be cementing a "partnership."

Corporate Secrecy

Everybody knows that the world's largest producer of automobiles is General Motors. What everybody does not know is that GM is also one of this country's biggest manufacturers of at least 18 other major products, from refrigerators and freezers to lighting fixtures and ball bearings. No one knows just how many of each of these items GM makes. Attempts by outsiders to verify estimates have been futile.

For three and a half years, the Federal Trade Commission has wanted to require the 500 largest manufacturers to report their sales, profits, advertising expenditures and research-and-development costs on a product-by-product basis, rather than on the companywide basis they now use. The commission would not publish individual company figures; thus a detailed look at the operation of any specific firm would still be impossible. Nevertheless, published in aggre-

gate form, on the basis of 219 product lines, the data would begin to puncture the veil of corporate secrecy so that anyone could see more clearly the pattern of concentrated economic power. That type of information is vital to assure the kind of competitiveness that corporations claim to revere.

The FTC says it needs the information because current statistics give a distorted picture of economic markets—and therefore market domination. Two principal sources of similar information, the FTC's *Quarterly Financial Report* and annual reports filed with the Securities and Exchange Commission, are practically useless. The *QFR* is meaningless because its 31 industry categories are so broad that one, "electrical machinery," includes such diverse products as clothes dryers and semiconductors. Their only similarity is a relationship to electricity. In addition a company now reports to the FTC on the basis of its primary line of business. Even if that line accounts for only 10 or 20 percent of the firm's business, everything else the company does gets lumped under that same line. The result is that statistics on Continental Baking Co. find their way into the *QFR* under electrical machinery because Continental is owned by ITT. FTC economists estimate that a third of the sales listed under any one of the 31 industry categories belongs somewhere else.

Statistics on file at the SEC are just about as inadequate. The commission requires public companies to file annual reports and to break down their activities by line of business. But it leaves it to the imagination of the companies to decide how to order their operations. The result: Ford Motor Co. lists just two lines of business, automobiles and "all other." Procter and Gamble, which sells everything from potato chips to toothpaste, reports on only one product line, "household products."

Businesses have attacked the FTC plan in two ways. For openers, corporate executives have tried to portray the commission as reckless know-nothings intent on wrecking free enterprise. Then there has been an endless barrage of technical complaints, resulting in a stack of letters two feet thick. Some of the complaints are legitimate, and in several cases the FTC has agreed to modifications. Changes have dealt with the knotty problem of allocating shared costs and the difficulty of erecting an accounting system around Standard Industrial Classification codes. But corporations still argue that producing the data will cost upwards of half a million dollars, and that even then it will provide a distorted picture of the economy. And they don't believe the FTC will keep the figures under wraps.

On the most basic question—can the data be generated—FTC officials and consumer groups don't believe business leaders who say it can't. They also don't believe the data would be as useless as the companies say. How, asked one consumer lawyer, can companies claim that the release of individual com-

pany figures would give their competitors an unfair advantage if the figures are meaningless? The point is, businesses can produce refined statistical data when it pays them to do so, as when they divide up global operations and profits for tax purposes or when they filed for price increases with the Cost of Living Council. The FTC program offers no financial dividend (and could mean trouble for some), so the companies argue that compliance is impossible.

Bolling's Battle

The House of Representatives is being offered one of the strongest doses of self-reform in years. The Select Committee on Committees has drawn a plan that would alter the system of routing bills through and redistribute power to House committees in a more efficient way. The plan and its sponsor, Rep. Richard Bolling (D, Mo.), inevitably have made enemies, the bitterest of whom are committees that would lose authority if the plan were adopted and interest groups who think the reform would depose some of their friends and thus weaken their influence. Last week the controversy came into the open when the Bolling committee formally presented its plan to the Democratic caucus on May 1. The ax wasn't lowered then, but Bolling anticipates trouble when the vote is taken May 9.

Under the reform, Ways and Means would lose its primary jurisdiction over health bills, "nontax aspects" of unemployment compensation and foreign trade—none of which will be pried from the grip of Chairman Wilbur Mills without a fight. The Education and Labor Committee would be split in two, and the Post Office and Civil Service Committee would disappear, surrendering most of its duties to the proposed Labor Committee and the Government Operations Committee. In addition to these and other jurisdictional alterations, the Bolling plan would limit each congressman to one important committee; for example, members of Education and Labor would have to choose between one of two areas they now control.

The proposal has inspired a wave of lobbying in reverse. Committee staff members have gone to lobbyists and warned them that the changes may damage old relationships. The lobbyists in turn have twisted some congressional arms. Environmentalists are alarmed because they believe their friends on the Interior Committee wouldn't shift to the proposed Energy and Environment Committee, but would opt for other important seats. Similarly organized labor fears that its loyalists would drift off to non-labor areas. The AFL-CIO is campaigning against the Bolling report, the UAW is officially neutral, and Bolling is "damned angry and frustrated."

The Nixon Watch

Tactics

The President pretty well decided how to respond to the latest demands for White House tapes and documents during the weekend that he spent at his Florida home in mid-April. Well before that, by March 6 at the latest, he had determined to meet the House Judiciary Committee's request of February 25 for the recordings of 42 of his conversations with the very least in the way of documents and access to actual tapes that he and his chief Watergate attorney, James D. St. Clair, figured he could get by with. After March 6 the remaining question was what the very least that he could expect to get by with would have to include. A related decision on what to do about Special Prosecutor Leon Jaworski's request of April 15 for a federal court subpoena commanding the President to produce recordings of some 64 White House conversations was postponed. But it became clear in retrospect that the inclination from the outset was to withhold compliance with the Jaworski subpoena at least until federal Judge John Sirica had been asked and either agreed or refused to quash it, and to delay the announcement of this intention until the response to the more pressing House committee's request and subpoena had been disclosed. The hope and expectation from mid-April on were that the information supplied to the House committee could be made to appear to be so ample, so massive, and so far beyond anything that this President or any previous President had ever consented to disclose that the public would sympathize with and support resistance to further demands.

In Florida and in Washington after the President's return from his weekend, there was a distinction between what was said and what was implied by his spokesmen and by the few functional assistants who knew anything worth knowing and would talk to reporters. Three things were said in so many words. They were that the President had decided to give the committee some information that it had not requested; that the total response would be so generous that the committee would have to accept it and fair-minded people would have to conclude that it was more than sufficient; and that it would fall short of complete compliance with the committee request and subpoena. It was implied that transcripts rather than tapes would be supplied to the committee as a whole and that some access to the tapes, limited but sufficient to demonstrate the accuracy of the supplied transcripts, would be permitted. If I were inclined to write ahead of events at the Nixon White House, a folly that I try to avoid, I would have written on April 17 that the President had decided to do what he announced on April 29 that he was doing, with one exception. On the basis of what I had deduced from what I'd been told, I

would have written that the House committee chairman, its ranking Republican member, and its chief majority and minority attorneys, John Doar and Albert Ernest Jenner (whom I mistakenly dubbed Edward Jenner in a recent piece), would be allowed to listen at the White House to any tapes that they wished to check in person. Mr. Nixon offered this privilege only to Chairman Peter Rodino and to the senior Republican committeeman, Edward Hutchinson.

The interesting point about these preliminary indicators is that such assistants as Gen. Alexander Haig, Press Secretary Ronald Ziegler and Communications Director Ken Clawson thought in mid-April that everything about the response except incidental details had been settled. Ziegler and his deputy, Gerald Warren, tried to make capital of the President's declared intention to respond before April 25, the deadline set in the committee subpoena. On April 23 Warren announced that the President had asked the committee to give him five more days. He wanted time, Warren said, to review the response "in its entirety." A fair supposition was that the President had realized for the first time the full importance of this response and faced up to the possibility that anything short of total compliance with the subpoena could ensure his impeachment. When I first tried this supposition out upon the few assistants who were accessible and who had any knowledge of what was going on, the reaction was that it was mistaken. Mr. Nixon, I was told, was doing what he had always intended and been expected to do, which was to check for himself every substantial element in the response. The only reason for the delay, it was said, was that the enormous job of transcription and editing had taken more time than the President and Haig had expected it to take when they were in Florida. Only after the President had delivered his televised speech on the night of April 29, a year less one day after he first begged the nation to put Watergate behind it in 1973, did a believable assistant say that the supposition was partly correct. This assistant said that the transcription process and the drafting of two documents, the text of the Nixon speech and a summary of the submitted transcripts, required the additional five days of preparation. But it also was true, the assistant said, that the President after his return from Florida came to be impressed with the gravity of his situation and with the possibility of impeachment in a degree that he had not previously manifested to the few associates who saw enough of him in this time to have a useful measure of his mood.

Another tenable supposition was that the President delayed the response in the hope and on the chance that two sometime Cabinet members, former Attorney General John N. Mitchell and former Secretary of Commerce Maurice Stans, would be acquitted by the federal jury trying them in New York before the extended period for reply to the House committee ex-

pired. Mitchell and Stans were acquitted and one of the prosecution's principal witnesses, former White House Counsel John Dean, was to some extent discredited by the acquittal. Some of the New York jurors said they didn't believe Dean's testimony and were not convinced by the circumstantial evidence on which the prosecutors of Mitchell and Stans also relied. Inasmuch as the cases against several of the President's former associates and by implication against him rest in part upon Dean's allegations and upon circumstantial evidence, the acquittal gave everybody at the Nixon White House a tremendous lift in spirits and hope. It also caused the drafters of Mr. Nixon's speech and of the transcript's summary to sharpen the suggestions in both documents that Dean is a liar, a traitor to the Nixon cause and a thoroughly unbelievable accuser of the President. I'm believably told, however, that shots at Dean's credibility were written into both documents at the President's order before the New York acquittal and would have remained if Mitchell and Stans had been convicted.

John Dean's credibility and White House estimates of it aside, the Mitchell-Stans acquittal should have given pause to important segments of both printed and electronic media. The Watergate atmosphere has fostered and to some degree sanctioned departures from decent legal and journalistic standards that would have been generally denounced 18 months ago. The tendency to equate suspicion and allegation with guilt and to report as established or assumable fact assertions, deductions and rumors whose sole virtue is that they discredit public persons—Mr. Nixon notably among them—has been carried way beyond tolerable bounds. The tendency should have been and probably wasn't somewhat checked by this reminder that innocence is possible and guilt has to be proved even in the Nixon community.

Two examples of the sort of stuff that I have in mind surfaced just before and just after the President made his response to the House committee. Rumors that whiffs of anti-Semitism had been detected in some of the taped Nixon conversations broke into print in early April. No reader of the excerpts from the Nixon transcripts that are printed in this issue could be sure that there isn't some truth to the rumors. But, how much truth? Jewish leaders, including some who support and some who don't support the President, have complained to Nixon assistants in the past fortnight or so that they are hearing that blatant epithets and remarks of the most repellent kind have been heard on the tapes. A report that such language is on the tapes appeared in the April 30 *Washington Post*. Leonard Garment, a Nixon assistant to whom many of the complaints have been directed, has told Gen. Haig, James St. Clair and staff Counsel Fred Buzhardt that he damn well wants to know whether the reports are true. He has been assured that the reports are untrue

and that they are originating with congressional and other rumor mongers who couldn't and don't know what's on the Nixon tapes. In some instances the reports have been traced to editors and publishers who got the stories from Washington correspondents who considered them fit for gossip but not for print.

The other example is a run of news reports to the effect that James St. Clair, supposedly the President's chief Watergate attorney, has lost control of the handling of the tapes problem to Fred Buzhardt and, more recently, that St. Clair and Mr. Nixon differed on how to respond to the House committee. The St. Clair-Buzhardt rumor originated in Congress, where members and staff assistants who long to discredit and disrupt the Nixon defense team abound. It was nominally substantiated by a departed Nixon lawyer who during his few months at the White House was principally distinguished for his garrulity and isolation. The rumor was and is nonsense. Buzhardt has managed the monitoring and transcription of subpoenaed tapes and St. Clair relies substantially upon him for knowledge of what's on them. But the attorney to whom the President listens and upon whom the President relies for advice on what to do is St. Clair. The public record supports his assertion that there has been and is no serious difference between him and the President. There is reason, however, to suspect that St. Clair recommended to the President that the House committee's chief attorneys, Doar and Jenner, be invited to monitor questioned tapes along with Rodino and Hutchinson and that, though initially overruled, St. Clair was prepared to offer the added access as a chip in bargaining with the committee after it voted 20 to 18 that the transcripts alone were not enough.

Two passages in the President's speech of April 29 caused me to wonder whether he had brought himself for the first time to believe—really believe—that he may be impeached and removed and to consider—really consider—resignation before it comes to that. An assistant who worked with him in the fortnight preceding the speech said he saw no sign whatever that this had happened. But I still wonder. The passages that induce wonder are the President's reference to the "wrenching ordeal" that an impeachment trial would bring upon the nation and his concluding quotation of Abraham Lincoln: "I do the very best I know how—the very best I can; and I mean to keep doing so until the end. If the end brings me out all right, what is said against me won't amount to anything. If the end brings me out wrong, ten angels swearing I was right would make no difference."

The propensity of the shoddy, profane, scatological Nixon portrayed in the tape transcripts to identify himself with Lincoln offends many people. Ah, well. It was Lincoln, I believe, who said the presidency doesn't give a man enough time to shave or shit.

John Osborne

Excerpts from the Tapes

The following conversations from White House transcripts have been selected by the editors for their general interest and their relevance to allegations that the President was involved in illegal efforts to block the investigation of the Watergate break-in and conspiracy. They represent a small fragment of the 1308 pages of recorded talks edited by the White House and released to the public on April 30. The President's staff removed expletives and harsh characterizations, took out portions considered to be "unrelated to presidential actions" and filled numerous other gaps with the words "unintelligible" and "inaudible." The full conversation of September 15, 1972, from which the first excerpt is taken lasted 50 minutes and contains four "unintelligible" segments. The President, H. R. Haldeman and John Dean, Oval Office (5:27-6:17 p.m.).

D: Well as I see it, the only problems we may have are the human problems and I will keep a close watch on that.

P: Union?

D: Human.

H: Human frailties.

D: People get annoyed—some finger pointing—false accusations—any internal dissension of any nature.

P: You mean on this case?

D: On this case. There is some bitterness between the Finance Committee and the Political Committee—they feel they are taking all the heat and all the people upstairs are bad people—not being recognized.

P: We are all in it together. This a war. We take a few shots and it will be over. We will give them a few shots and it will be over. Don't worry. I wouldn't want to be on the other side right now. Would you?

D: Along that line, one of the things I've tried to do, I have begun to keep notes on a lot of people who are emerging as less than our friends, because this will be over some day and we

shouldn't forget the way some of them have treated us.

P: I want the most comprehensive notes on all those who tried to do us in. They didn't have to do it. If we had had a very close election and they were playing the other side I would understand this. No—they were doing this quite deliberately and they are asking for it and they are going to get it. We have not used the power in this first four years as you know. We have never used it. We have not used the bureau [FBI] and we have not used the Justice Department but things are going to change now. And they are either going to do it right or go.

D: What an exciting prospect.

P: Thanks. It has to be done. We have been (adjective deleted) fools for us to come into this election campaign and not do anything with regard to the Democratic senators who are running, et cetera. And who the hell are they after? They are after us. It is absolutely ridiculous. It is not going to be that way any more....

The President and John Dean, Oval Office, March 13, 1973 (12:42-2:00 p.m.). This conversation is the first in which the President discusses the details of criminal involvement by the White House in Watergate. It lasted an hour and 18 minutes and contains 23 unintelligible segments.

P: I noticed in the news summary Buchanan was viewing with alarm the grave crisis in the confidancy of the presidency, etc.

D: Well the best way—

P: How much?

D: Pardon?

P: How much of a crisis? It will be—I am thinking in terms of—the point is, everything is a crisis. (expletive deleted) it is a terrible lousy thing—it will remain a crisis among the upper intellectual types, the soft heads, our own,

too—Republicans—and the Democrats and the rest. Average people won't think it is much of a crisis unless it affects them. (unintelligible)

D: I think it will pass. I think after the Ervin hearings, they are going to find so much—there will be some new revelations. I don't think that the thing will get out of hand. I have no reason to believe it will.

P: Oh, yes—there would be new revelations.

D: They would be quick (inaudible).

They would want to find out who knew—

P: Is there a higher up?

D: Is there a higher up?

P: Let's face it, I think they are really after Haldeman.

D: Haldeman and Mitchell.

P: Colson is not big enough name for them. He really isn't. He is, you know, he is on the government side, but Colson's name doesn't bother them so much. They are after Haldeman and after Mitchell. Don't you think so?

D: Sure. They are going to take a look and try to drag them, but they're going to be able to drag them into the election—

P: In any event, Haldeman's problem is Chapin isn't it?

D: Bob's problem is circumstantial.

P: Why is that? Let's look at the circumstantial. I don't know, Bob didn't know any of those people like the Hunts and all that bunch. Colson did, but Bob didn't. OK?

D: That's right.

P: Now where the hell, or how much Chapin knew I will be (expletive deleted) if I know.

D: Chapin didn't know anything about the Watergate.

P: Don't you think so?

D: Absolutely not.

P: Strachan?

D: Yes.

P: He knew?

D: Yes.

P: About the Watergate?

D: Yes.

P: Well, then, he probably told Bob. He may not have.

D: He was judicious in what he relayed, but Strachan is as tough as nails. He can go in and stonewall, and say, "I don't know anything about what you are talking about." He has already done it twice you know, in interviews.

P: I guess he should, shouldn't he? I suppose we can't call that justice, can we?

D: Well, it is a personal loyalty to him. He doesn't want it any other way. He didn't have to be told. He didn't have to be asked. It just is something that he found was the way he wanted to handle the situation.

P: But he knew? He knew about Watergate? Strachan did?

D: Yes.

P: I will be damned! Well that is the problem in Bob's case. Not Chapin then, but Strachan. Strachan worked for him, didn't he?

D: Yes. They would have one hell of a time proving that Strachan had knowledge of it, though.

P: Who knew better? Magruder?

D: Magruder and Liddy.

P: Oh, I see. The other weak link for Bob is Magruder. He hired him et cetera.

D: That applies to Mitchell, too.

P: Mitchell—Magruder. Where do you see Colson coming into it? Do you think he knew quite a bit and yet, he could know quite a great deal about a lot of other things and not know a lot about this. I don't know.

D: Well I have never—

P: He sure as hell knows Hunt. That we know. Was very close to him.

D: Chuck has told me that he had no knowledge, specific knowledge, of the Watergate before it occurred. There have been tidbits that I have raised with Chuck. I have not played any games with him. I said, "Chuck, I have indications—"

P: What indications? The lawyer has to know everything.

D: That's right. I said, "Chuck, people have said that you were involved in this, involved in that, involved in all of this." He said, "that is not true, etc." I think that Chuck had knowledge that something was going on over there, but he didn't have any knowledge of the details of the specifics of the whole thing. . . .

P: How the hell does Liddy stand up so well?

D: He's a strange man, Mr. President.

P: Strange or strong?

D: Strange and strong. His loyalty is—I think is just beyond the pale. Nothing—

P: He hates the other side too, doesn't he?

D: Oh, absolutely! He is strong. He really is.

P: Is it too late to go the hang-out road?

D: Yes, I think it is. The hang-out road—

P: The hang-out road (inaudible).

D: It was kicked around Bob and I and—

P: Ehrlichman always felt it should be hang-out.

D: Well, I think I convinced him why he would not want to hang-out either. There is a certain domino situation here. If some things start going, a lot of things are going to start going, and there can be a lot of problems if everything starts falling. So there are dangers, Mr.

President. I would be less than candid if I didn't tell you there are. There is a reason for not everyone going up and testifying.

P: I see. Oh no, no, no! I didn't mean to have everyone go up and testify.

D: Well I mean they're just starting to hang-out and say here's our story—

P: I mean put the story out PR people, here is the story, the true story about Watergate.

D: They would never believe it. The two things they are working on are Watergate—

P: Who is "they?"

D: The press, (inaudible), the intellectuals,—

P: The Packwoods?

D: Right—They would never buy it as far as one White House involvement in Watergate which I think there is just none for that incident which occurred at the Democratic National Headquarters. People here, we just did not know that was going to be done. I think there are some people who saw the fruits of it, but that is another story. I am talking about the criminal conspiracy to go in there. The other thing is that the Segretti thing. You hang that out, and they wouldn't believe that. They wouldn't believe that Chapin acted on his own to put his old friend Segretti to be a Dick Tuck on somebody else's campaign. They would have to paint it into something more sinister, more involved, part of a general plan.

P: Shows you what a master Dick Tuck is. Segretti's hasn't been a bit similar.

D: They are quite humorous as a matter of fact.

P: As a matter of fact, it is just a bunch of (characterization deleted). We don't object to such damn things anyway. On, and on and on. No, I tell you this it is the last gasp of our hardest opponents. They've just got to have something to squeal about it.

D: It is the only thing they have to squeal—

P: (Unintelligible) They are going to lie around and squeal. They are having a hard time now. They got the hell kicked out of them in the election. There is not a Watergate around in this town, not so much our opponents, even the media, but the basic thing is the establishment. The establishment is dying, and so they've got to show that the despite the successes we have had in foreign policy and in the election, they've got to show that it is just wrong just because of this. They are trying to use this as the whole thing.

D: Well, that is why I keep coming back

to this fellow Sullivan [William Sullivan, former assistant director, FBI]. It could change the picture.

P: How could it change though? Saying here is another—

D: Saying here is another and it happens to be Democrats. You know, I know I just—

P: If he would get Kennedy into it, too, I would be a little bit more pleased.

D: Let me tell you something that lurks at the bottom of the whole thing. If, in going after Segretti, they go after Kalmbach's bank records, you will recall sometime back—perhaps you did not know about this—I apologize. That right after Chappaquiddick somebody was put up there to start observing and within six hours he was there for every second of Chappaquiddick for a year, and for almost two years he worked for Jack Caulfield [on Ehrlichman's staff].

P: Oh, I have heard of Caulfield.

D: He worked for Caulfield when Caulfield worked for John, and then when I came over here I inherited Caulfield and this guy was still on this same thing. If they get to those bank records between the start of July of 1969 through June of 1971, they say what are these about? Who is this fellow up in New York that you paid? There comes Chappaquiddick with a vengeance. This guy is a 20-year detective on the New York City Police Department.

P: In other words we—

D: He is ready to disprove and show that—

P: (unintelligible)

D: If they get to it—that is going to come out and this whole thing can turn around on that. If Kennedy knew the bear trap he was walking into—

P: How do we know—why don't we get it out anyway?

D: Well, we have sort of saved it.

P: Does he have any records? Are they any good?

D: He is probably the most knowledgeable man in the country. I think he ran up against walls and they closed the records down. There are things he can't get, but he can ask all of the questions and get many of the answers as a 20-year detective, but we don't want to surface him right now. But if he is ever surfaced, this is what they will get.

P: How will Kalmbach explain that he hired this guy to do the job on Chappaquiddick? Out of what type of funds?

D: He had money left over from the pre-convention—

P: Are they going to investigate those funds too?

D: They are funds that are quite legal.

There is nothing illegal about those funds. Regardless of what may happen, what may occur, they may stumble into this in going back to, say 1971, in Kalmbach's bank records. They have already asked for a lot of his bank records in connection with Segretti, as to how he paid Segretti.

P: Are they going to go back as far as Chappaquiddick?

The President, John Dean and H. R. Haldeman, Oval Office, March 21, 1973 (10:12-11:55 a.m.). Here we have the celebrated discussion of hush money. The conversation lasted an hour and 43 minutes and contains 23 unintelligible segments.

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D: The reason that I thought we ought to talk this morning is because in our conversations, I have the impression that you don't know everything I know and it makes it difficult for you to make judgments that only you can make on some of these things and I thought that—

P: In other words, I have to know why you feel that we shouldn't unravel something?

D: Let me give you my overall first.

P: In other words, your judgment as to where it stands, and where we will go.

D: I think that there is no doubt about the seriousness of the problem we've got. We have a cancer within, close to the Presidency, that is growing. It is growing daily. It's compounded, growing geometrically now, because it compounds itself. That will be clear if I, you know, explain some of the details of why it is. Basically, it is because we are being blackmailed; people are going to start perjuring themselves very quickly that have not had to perjure themselves to protect other people in the line. And there is no assurance—

P: That that won't bust?

D: That that won't bust. So let me give you the sort of basic facts, talking first about the Watergate; and then about Segretti; and then about some of the peripheral items that have come up. First of all on the Watergate: how did it all start, where did it start? O.K! It started with an instruction to me from Bob Haldeman to see if we couldn't set up a perfectly legitimate campaign intelligence operation over at the re-election committee. Not being in this business, I turned to somebody who had been in this business, Jack Caulfield. I don't remember whether you remember Jack or not. He was your original bodyguard before they had the candidate protection, an old city policeman.

D: Well this fellow worked in 1971 on this. He was up there. He has talked to everybody in that town. He is the one who has caused a lot of embarrassment for Kennedy already by saying he went up there as a newspaperman, by saying; "Why aren't you checking this? Why aren't you looking there?" Calling the press people's attention to things. Gosh, the guy did a masterful job. I have never had the full report.

P: Yes, I know him.

D: Jack worked for John and then was transferred to my office. I said Jack come up with a plan that, you know—a normal infiltration, buying information from secretaries and all that sort of thing. He did, he put together a plan. It was kicked around. I went to Ehrlichman with it. I went to Mitchell with it, and the consensus was that Caulfield was not the man to do this. In retrospect that might have been a bad call because he is an incredibly cautious person and wouldn't have put the situation where it is today. After rejecting that, they said we still need something so I was told to look around for someone who could go over to 1701 [Committee for the Re-Election of the President] and do this. That is when I came up with Gordon Liddy. They needed a lawyer. Gordon had an intelligence background from his FBI service. I was aware of the fact that he had done some extremely sensitive things for the White House while he had been at the White House and he had apparently done them well. Going out into Ellsberg's doctor's office—

P: Oh, yeah.

D: And things like this. He worked with leaks. He tracked these things down. So the report that I got from Krogh was that he was a hell of a good man and not only that, a good lawyer and could set up a proper operation. So we talked to Liddy. He was interested in doing it. I took Liddy over to meet Mitchell. Mitchell thought highly of him because Mitchell was partly involved in his coming to the White House to work for Krogh. Liddy had been at Treasury before that. Then Liddy was told to put together his plan, you know, how he would run an intelligence operation. This was after he was hired over there at the committee. Magruder called me in January and said I would like to have you come over and see Liddy's plan.

P: January of '72?

D: January of '72.

D: "You come over to Mitchell's office and sit in a meeting where Liddy is going to lay his plan out." I said I don't really know if I am the man, but if you want me there I will be happy to. So I came over and Liddy laid out a million dollar plan that was the most incredible thing I have ever laid my eyes on: all in codes, and involved black bag operations, kidnapping, providing prostitutes to weaken the opposition, bugging, mugging teams. It was just an incredible thing.

P: Tell me this: Did Mitchell go along—?

D: No, no, not at all, Mitchell just sat there puffing and laughing. I could tell from—after Liddy left the office I said that is the most incredible thing I have ever seen. He said I agree. And so Liddy was told to go back to the drawingboard and come up with something realistic. So there was a second meeting. They asked me to come over to that. I came into the tail end of the meeting. I wasn't there for the first part. I don't know how long the meeting lasted. At this point, they were discussing again bugging, kidnapping and the like. At this point I said right in front of everybody, very clearly, I said, "These are not the sort of things that are ever to be discussed in the office of the Attorney General of the United States—that was where he still was—and I am personally incensed." And I am trying to get Mitchell off the hook. He is a nice person and doesn't like to have to say no when he is talking with people he is going to have to work with.

P: That's right.

D: So I let it be known. I said "You all pack that stuff up and get it the hell out of here. You can't talk this way in this office and you should reexamine your whole thinking."

P: Who all was present?

D: It was Magruder, Mitchell, Liddy and myself. I came back right after the meeting and told Bob, "Bob, we have a growing disaster on our hands if they are thinking this way," and I said, "The White House has got to stay out of this and I, frankly, am not going to be involved in it." He said, "I agree John." I thought at that point that the thing was turned off. That is the last I heard of it and I thought it was turned off because it was an absurd proposal.

P: Yeah.

D: Liddy—I did have dealings with him afterward and we never talked about it. Now that would be hard to believe for some people, but we never did. That is

the fact of the matter.

P: Well, you were talking with him about other things.

D: We had so many other things.

P: He had some legal problems too. But you were his advisor, and I understand you had conversations about the campaign laws, etc. Haldeman told me that you were handling all of that for us. Go ahead.

D: Now. So Liddy went back after that and was over at 1701, the committee, and this is where I come into having put the pieces together after the fact as to what I can put together about what happened. Liddy sat over there and tried to come up with another plan that he could sell. They were talking to him, telling him that he was putting too much money in it. I don't think they were discounting the illegal points. Jeb is not a lawyer. He did not know whether this is the way the game was played and what it was all about. They came up, apparently, with another plan, but they couldn't get it approved by anybody over there. So Liddy and Hunt apparently came to see Chuck Colson, and Chuck Colson picked up the telephone and called Magruder and said, "You all either fish or cut bait. This is absurd to have these guys over there and not using them. If you are not going to use them, I may use them." Things of this nature.

P: When was this?

D: This was apparently in February of '72.

P: Did Colson know what they were talking about?

D: I can only assume, because of his close relationship with Hunt, that he had a damn good idea what they were talking about, a damn good idea. He would probably deny it today and probably get away with denying it. But I still—unless Hunt blows on him—

P: But then Hunt isn't enough. It takes two doesn't it?

D: Probably. Probably. But Liddy was there also and if Liddy were to blow—

P: Then you have a problem—I was saying as to the criminal liability in the White House.

D: I will go back over that, and take out any of the soft spots.

P: Colson, you think was the person who pushed?

D: I think he helped to get the thing off the dime. Now something else occurred though—

P: Did Colson—had he talked to anybody here?

D: No. I think this was—

P: Did he talk with Haldeman?

D: No, I don't think so. But here is the next thing that comes in the chain. I think Bob was assuming, that they had something that was proper over there, some intelligence-gathering operation that Liddy was operating. And through Strachan, who was his tickler, he started pushing them to get some information and they—Magruder—took that as a signal to probably go to Mitchell and to say, "They are pushing us like crazy for this from the White House. And so Mitchell probably puffed on his pipe and said, "Go ahead," and never really reflected on what it was all about. So they had some plan that obviously had, I gather, different targets they were going to go after. They were going to infiltrate and bug, and do all this sort of thing to a lot of these targets. This is knowledge I have after the fact. Apparently after they had initially broken in and bugged the DNC they were getting information. The information was coming over here to Strachan and some of it was given to Haldeman, there is no doubt about it. P: Did he know where it was coming from?

D: I don't really know if he would.

P: Not necessarily?

D: Not necessarily. Strachan knew it. There is no doubt about it, and whether Strachan—I have never come to press these people on these points because it hurts them to give up that next inch, so I had to piece things together. Strachan was aware of receiving information, reporting to Bob. At one point Bob even gave instructions to change their capabilities from Muskie to McGovern, and passed this back through Strachan to Magruder and apparently to Liddy. And Liddy was starting to make arrangements to go in and bug the McGovern operation.

P: They had never bugged Muskie, though, did they?

D: No, they hadn't, but they had infiltrated it by a secretary.

P: By a secretary?

D: By a secretary and a chauffeur. There is nothing illegal about that. So the information was coming over here and then I, finally, after—. The next point in time that I became aware of anything was on June 17th when I got the word that there had been this break in at the DNC and somebody from our committee had been caught in the DNC. And I said, "Oh, (expletive deleted)." You know, eventually putting the pieces together—

P: You knew what it was.

D: I knew who it was. So I called Liddy on Monday morning and said, "First,

Gordon, I want to know whether anybody in the White House was involved in this." And he said, "No, they weren't." I said, "Well I want to know how in (adjective deleted) name this happened." He said, "Well, I was pushed without mercy by Magruder to get in there and to get more information. That the information was not satisfactory. That Magruder said, 'The White House is not happy with what we are getting.'"

P: The White House?

D: The White House. Yeah!

P: Who do you think was pushing him?

D: Well, I think it was probably Strachan thinking that Bob wanted things, because I have seen that happen on other occasions where things have said to have been of very prime importance when they really weren't.

P: Why at that point in time I wonder? I am just trying to think. We had just finished the Moscow trip. The Democrats had just nominated McGovern. I mean, (expletive deleted), what in the hell were these people doing? I can see their doing it earlier. I can see the pressures, but I don't see why all the pressure was on then.

D: I don't know, other than the fact that they might have been looking for information about the conventions.

P: That's right.

D: Because, I understand that after the fact that there was a plan to bug Larry O'Brien's suite down in Florida. So Liddy told me that this is what had happened and this is why it had happened.

P: Where did he learn that there were plans to bug Larry O'Brien's suite?

D: From Magruder, long after the fact.

P: Magruder is (unintelligible).

D: Yeah. Magruder is totally knowledgeable on the whole thing.

P: Yeah.

D: All right now, we have gone through the trial. I don't know if Mitchell has perjured himself in the grand jury or not.

P: Who?

D: Mitchell. I don't know how much knowledge he actually had. I know that Magruder has perjured himself in the grand jury. I know that Porter has perjured himself in the grand jury.

P: Who is Porter? (unintelligible)

D: He is one of Magruder's deputies. They set up this scenario which they ran by me. They said, "How about this?" I said, "I don't know. If this is what you are going to hang on, fine."

P: What did they say in the grand jury?

D: They said, as they said before the trial in the grand jury, that Liddy had

come over as counsel and we knew he had these capacities to do legitimate intelligence. We had no idea what he was doing. He was given an authorization of \$250,000 to collect information, because our surrogates were out on the road. They had no protection, and we had information that there were going to be demonstrations against them, and that we had to have a plan as to what liabilities they were going to be confronted with and Liddy was charged with doing this. We had no knowledge that he was going to bug the DNC.

P: The point is, that is not true?

D: That's right.

P: Why did Petersen [Assistant Attorney General] play the game so straight with us?

D: Because Petersen is a soldier. He kept me informed. He told me when we had problems, where we had problems and the like. He believes in you and he believes in this administration. This administration has made him. I don't think he has done anything improper, but he did make sure that the investigation was narrowed down to the very, very fine criminal thing which was a break for us. There is no doubt about it.

P: Do you honestly feel that he did an adequate job?

D: They ran that investigation out to the fullest extent they could follow a lead and that was it.

P: But the way point is, where I suppose he could be criticized for not doing an adequate job. Why didn't he call Haldeman? Why didn't he get a state-

ment from Colson? Oh, they did get Colson!

D: That's right. But as based on their FBI interviews, there was no reason to follow up. There were no leads there. Colson said, "I have no knowledge of this" to the FBI. Strachan said, "I have no knowledge." They didn't ask Strachan any questions about Watergate. They asked him about Segretti. They said, "what is your connection with Liddy?" Strachan just said, "Well, I met him over there." They never really pressed him. Strachan appeared, as a result of some coaching, to be the dumbest paper pusher in the bowels of the White House.

P: I understand.

D: All right. Now post June 17th: these guys immediately—it is very interesting. (Dean sort of chuckled) Liddy, for example, on the Friday before—I guess it was on the 15th, no, the 16th of June—had been in Henry Petersen's office with another member of my staff on campaign compliance problems. After the incident, he ran Kleindienst down at Burning Tree Country Club and told him "you've got to get my men out of jail." Kleindienst said, "You get the hell out of here, kid. Whatever you have to say, just say to somebody else. Don't bother me." But this has never come up. Liddy said if they all got counsel instantly and said we will ride this thing out. All right, then they started making demands. "We have to have attorneys fees. We don't have any money ourselves, and you are asking us to take

this through the election." All right, so arrangements were made through Mitchell, initiating it. And I was present in discussions where these guys had to be taken care of. Their attorneys fees had to be done. Kalmbach was brought in. Kalmbach raised some cash.

P: They put that under the cover of a Cuban Committee, I suppose?

D: Well, they had a Cuban Committee and they had—some of it was given to Hunt's lawyer, who in turn passed it out. You know, when Hunt's wife was flying to Chicago with \$10,000, she was actually, I understand after the fact now, was going to pass that money to one of the Cubans—to meet him in Chicago and pass it to somebody there.

P: (unintelligible) but I would certainly keep that cover for whatever it is worth.

D: That's the most troublesome post-thing because 1) Bob is involved in that; 2) John is involved in that; 3) I am involved in that; 4) Mitchell is involved in that. And that is an obstruction of justice.

P: In other words the bad it does. You were taking care of witnesses. How did Bob [Haldeman] get in it?

D: Well, they ran out of money over there. Bob had \$350,000 in a safe over here that was really set aside for polling purposes. And there was no other source of money, so they came over and said you all have got to give us some money. I had to go to Bob and say, "Bob, they need some money over there." He said "What for." So I had to tell him what it was for because he wasn't just about to send money over there willy-



"Wampum? ... beads? ... junk jewelry? ..."

nilly. And John was involved in those discussions. And then we decided there was no price too high to pay to let this thing blow up in front of the election.

P: I think we should be able to handle that issue pretty well. May be some lawsuits.

D: I think we can too. Here is what is happening right now. That sort of brings matters to the (unintelligible). One, this is going to be a continual blackmail operation by Hunt and Liddy and the Cubans. No doubt about it. And McCord, who is another one involved. McCord has asked for nothing. McCord did ask to meet with somebody, with Jack Caulfield who is his old friend who had gotten him hired over there. And when Caulfield had him hired, he was a perfectly legitimate security man. And he wanted to talk about commutation, and things like that. And as you know Colson has talked indirectly to Hunt about commutation. All of these things are bad, in that they are problems, they are promises, they are commitments. They are the very sort of thing that the Senate is going to be looking most for. I don't think they can find them, frankly.

P: Pretty hard.

D: Pretty hard. Damn hard. It's all cash.

P: Pretty hard I mean as far as the witnesses are concerned.

D: All right, now, the blackmail is continuing. Hunt called one of the lawyers from the re-election committee on last Friday to leave it with him over the weekend. The guy came in to see me to give a message directly to me. From Hunt to me.

P: Is Hunt out on bail?

D: Pardon?

P: Is Hunt on bail?

D: Hunt is on bail. Correct. Hunt now is demanding another \$72,000 for his own personal expenses; another \$50,000 to pay attorneys fees; \$120,000. Some he wanted it as of the close of business yesterday. He said, "I am going to be sentenced on Friday, and I've got to get my financial affairs in order." I told this fellow O'Brien, "If you want money, you came to the wrong man, fellow. I am not involved in the money. I don't know a thing about it. I can't help you. You better scramble about elsewhere." O'Brien is a ballplayer. He carried tremendous water for us.

P: He isn't Hunt's lawyer?

D: No he is our lawyer at the re-election committee.

P: I see.

D: So he is safe. There is no problem there. So it raises the whole question. Hunt has now made a direct threat against Ehrlichman. As a result of this,

this is his blackmail. He says, "I will bring John Ehrlichman down to his knees and put him in jail. I have done enough seamy things for he and Krogh, they'll never survive it."

P: Was he talking about Ellsberg?

D: Ellsberg, and apparently some other things. I don't know the full extent of it.

P: I don't know about anything else.

D: I don't know either, and I hate to learn some of these things. So that is that situation. Now, where are the soft points? How many people know about this? Well, let me go one step further in this whole thing. The Cubans that were used in the Watergate were also the same Cubans that Hunt and Liddy used for this California Ellsberg thing, for the break-in out there. So they are aware of that. How high their knowledge is, is something else. Hunt and Liddy, of course, are totally aware of it, of the fact that it is right out of the White House.

P: I don't know what the hell we did that for!

D: I don't know either.

P: What in the (expletive deleted) caused this? (unintelligible)

D: Mr. President, there have been a couple of things around here that I have gotten wind of. At one time there was a desire to do a second-story job on the Brookings Institute where they had the Pentagon papers. Now I flew to California because I was told that John had instructed it and he said, "I really hadn't. It is a mis-impression, but for (expletive deleted), turn it off." So I did. I came back and turned it off. The risk is minimal and the pain is fantastic. It is something with a (unintelligible) risk and no gain. It is just not worth it. But—who knows about all this now? You've got the Cubans' lawyer, a man by the name of Rothblatt, who is a no-good, publicity-seeking (characterization deleted), to be very frank with you. He has had to be pruned down and tuned off. He was canned by his own people because they didn't trust him. He didn't want them to plead guilty. He wants to represent them before the Senate. So F. Lee Bailey, who was a partner of one of the men representing McCord, got in and cooled Rothblatt down. So that means that F. Lee Bailey has knowledge. Hunt's lawyer, a man by the name of Bittman, who is an excellent criminal lawyer from the Democratic era of Bobby Kennedy, he's got knowledge.

P: He's got some knowledge?

D: Well, all the direct knowledge that Hunt and Liddy have, as well as all the hearsay they have. You have these two lawyers over at the re-election committee who did an investigation to find out

the facts. Slowly, they got the whole picture. They are solid.

P: But they know?

D: But they know. You've got, then an awful lot of the principals involved who know. Some people's wives know. Mrs. Hunt was the savviest women in the world. She had the whole picture together.

P: Did she?

D: Yes. Apparently, she was the pillar of strength in that family before the death.

P: Great sadness. As a matter of fact, there was a discussion with somebody about Hunt's problem on account of his wife and I said, of course commutation could be considered on the basis of his wife's death, and that is the only conversation I ever had in that light.

D: Right.

D: So that is it. That is the extent of the knowledge. So where are the soft spots on this? Well, first of all, there is the problem of the continued blackmail that will not only go on now, but it will go on while these people are in prison, and it will compound the obstruction of justice situation. It will cost money. It is dangerous. People around here are not pros at this sort of thing. This is the sort of thing Mafia people can do: washing money, getting clean money and things like that. We just don't know about those things, because we are not criminals and not used to dealing in that business.

P: That's right.

D: It is a tough thing to know how to do.

P: Maybe it takes a gang to do that.

D: That's right. There is a real problem as to whether we could even do it. Plus there is a real problem in raising money. Mitchell has been working on raising some money. He is one of the ones with the most to lose. But there is no denying the fact that the White House, in Ehrlichman, Haldeman and Dean are involved in some of the early money decisions.

P: How much money do you need?

D: I would say these people are going to cost a million dollars over the next two years.

P: We could get that. On the money, if you need the money you could get that. You could get a million dollars. You could get it in cash. I know where it could be gotten. It is not easy, but it could be done. But the question is who the hell would handle it? Any ideas on that?

D: That's right. Well, I think that is something that Mitchell ought to be charged with.

P: I would think so too.

D: And get some pros to help him.

P: Let me say there shouldn't be a lot of people running around getting money—

D: Well he's got one person doing it who I am not sure is—

P: Who is that?

D: He has Fred LaRue doing it. Now Fred started out going out trying to solicit money from all kinds of people.

P: No!

D: I had learned about it, and I said, "(expletive deleted) It is just awful! Don't do it!" People are going to ask what the money is for. He has apparently talked to Tom Pappas.

P: I know.

D: And Pappas has agreed to come up with a sizable amount, I gather.

P: What do you think? You don't need a million right away, but you need a million? Is that right?

D: That is right.

P: You need it in cash don't you? I am just thinking out loud here for a moment. Would you put that through the Cuban Committee?

D: No.

P: It is going to be checks, cash money, etc. How if that ever comes out, are you going to handle it? Is the Cuban Committee an obstruction of justice, if they want to help?

D: Well they have priests in it.

P: Would that give a little bit of a cover?

D: That would give some for the Cubans and possibly Hunt. Then you've got Liddy. McCord is not accepting any money. So he is not a bought man right now.

P: O.K. Go ahead.

D: Let me continue a little bit right here now. When I say this is a growing cancer, I say it for reasons like this. Bud Krogh, in his testimony before the grand jury, was forced to perjure himself. He is haunted by it. Bud said, "I have not had a pleasant day on my job." He said, "I told my wife all about this. The curtain may ring down one of these days, and I may have to face the music, which I am perfectly willing to do."

P: What did he perjure himself on, John?

D: Did he know the Cubans. He did.

P: He said he didn't?

D: That is right. They didn't press him hard.

P: He might be able to—I am just trying to think. Perjury is an awful hard rap to prove. If he could just say that I—Well, go ahead.

D: Well, so that is one perjury. Mitchell and Magruder are potential perjurers. There is always the possibility of any one of these individuals blowing. Hunt. Liddy. Liddy is in jail right now, serv-

ing his time and having a good time right now. I think Liddy in his own bizarre way the strongest of all of them. So there is that possibility.

P: Your major guy to keep under control is Hunt?

D: That is right.

P: I think. Does he know a lot?

D: He knows so much. He could sink Chuck Colson. Apparently he is quite distressed with Colson. He thinks Colson has abandoned him. Colson was to meet with him when he was out there after, you know, he had left the White House. He met with him through his lawyer. Hunt raised the question he wanted money. Colson's lawyer told him Colson wasn't doing anything with money. Hunt took offense with that immediately, and felt Colson had abandoned him.

P: Just looking at the immediate problem, don't you think you have to handle Hunt's financial situation damn soon?

D: I think that is—I talked with Mitchell about that last night and—

P: It seems to me we have to keep the cap on the bottle that much, or we don't have any options.

D: That's right.

P: Either that or it all blows right now?

• • •

D: What really bothers me is this growing situation. As I say, it is growing because of the continued need to provide support for the Watergate people who are going to hold us up for everything we've got, and the need for some people to perjure themselves as they go down the road here. If this thing ever blows, then we are in a cover-up situation. I think it would be extremely damaging to you and the—

P: Sure. The whole concept of administration justice. Which we cannot have!

D: That is what really troubles me. For example, what happens if it starts breaking, and they do find a criminal case against a Haldeman, a Dean, a Mitchell, an Ehrlichman? That is—

P: If it really comes down to that, we would have to (unintelligible) some of the men.

D: That's right. I am coming down to what I really think, is that Bob and John and John Mitchell and I can sit down and spend a day, or however long, to figure out one, how this can be carved away from you, so that it does not damage you or the presidency. It just can't! You are not involved in it and it is something you shouldn't—

P: That is true!

D: I know, sir. I can just tell from our conversation that these are things that

you have no knowledge of.

P: You certainly can! Buggings, etc! Let me say I am keenly aware of the fact Colson, *et al.*, were doing their best to get information as we went along. But they all knew very well they were supposed to comply with the law. There was no question about that! You feel that really the trigger man was really Colson on this then?

D: No. He was one of us. He was just in the chain. He helped push the thing.

P: All I know about is the time of ITT, he was trying to get something going there because ITT was giving us a bad time.

D: I know he used Hunt.

P: I knew about that. I didn't know about it, but I knew there was something going on. But I didn't know it was a Hunt.

D: What really troubles me is one, will this thing not break some day and the whole thing—domino situation—everything starts crumbling, fingers will be pointing. Bob will be accused of things he has never heard of and deny and try to disprove it. It will get real nasty and just be a real bad situation. And the person who will be hurt by it most will be you and the presidency, and I just don't think—

P: First, because I am an executive I am supposed to check these things.

D: That's right.

P: Let's come back to this problem. What are your feelings yourself, John? You know what they are all saying. What are your feelings about the chances?

D: I am not confident that we can ride through this. I think there are soft spots.

P: You used to be—

D: I am not comfortable for this reason. I have noticed of recent—since the publicity has increased on this thing again, with the Gray hearings, that everybody is now starting to watch after their behind. Everyone is getting their own counsel. More counsel are getting involved. How do I protect my ass.

P: They are scared.

D: That is bad. We were able to hold it for a long time. Another thing is that my facility to deal with the multitude of people I have been dealing with has been hampered because of Gray's blowing me up into the front page.

P: Your cover is broken?

D: That's right and its—

P: So what you really come to is what we do. Let's suppose that you and Haldeman and Ehrlichman and Mitchell say we can't hold this? What then are you going to say? What are you going to

put out after it. Complete disclosure, isn't that the best way to do it?

D: Well, one way to do it is—

P: That would be my view.

D: One way to do it is for you to tell the Attorney General that you finally know. Really, this is the first time you are getting all the pieces together.

P: Ask for another grand jury?

D: Ask for another grand jury. The way it should be done though, is a way—for example, I think that we could avoid criminal liability for countless people and the ones that did get it could be minimal.

P: How?

D: Well, I think by just thinking it all through first as to how. You know, some people could be granted immunity.

P: Like Magruder?

D: Yeah. To come forward. But some people are going to have to go to jail. That is the long and short of it, also.

P: Who? Let's talk about—

D: All right. I think I could. For one.

P: You go to jail?

D: That's right.

P: Oh, hell no! I don't see how you can.

D: Well, because—

P: I can't see how. Let me say I can't see how a legal case could be made against

you, John.

D: It would be tough but, you know, I can see people pointing fingers. You know, to get it out of their own, put me in an impossible position. Just really give me a (unintelligible)

P: Oh, no! Let me say I got the impression here—But just looking at it from a cold legal standpoint: you are a lawyer, you were a counsel—doing what you did as counsel. You were not—What would you go to jail for?

D: The obstruction of justice.

P: The obstruction of justice?

D: That is the only one that bothers me.

P: Well, I don't know. I think that one. I feel it could be cut off at the pass, maybe, the obstruction of justice.

D: You know one of the—that's why—

P: Sometimes it is well to give them something, and then they don't want the bigger push?

D: That's right. I think that, I think that with proper coordination with the Department of Justice, Henry Petersen is the only man I know bright enough and knowledgeable enough in the criminal laws and the process that could really tell us how this could be put together so that it did the maximum to carve it away with a minimum damage to individuals involved.

P: Petersen doesn't know does he?

D: That's right. No, I know he doesn't now. I know he doesn't now. I am talking about somebody who I have over the years grown to have enough faith in—you constantly. It would have to put him in a very difficult situation as the head of the Criminal Division of the United States Department of Justice, and the oath of office—

P: No. Talking about your obstruction of justice, though, I don't see it.

D: Well, I have been a conduit for information on taking care of people out there who are guilty of crimes.

P: Oh, you mean like the blackmailers?

D: The blackmailers. Right.

P: Well, I wonder if that part of it can't be—I wonder if that doesn't—let me put it frankly: I wonder if that doesn't have to be continued? Let me put it this way: let us suppose that you get the million bucks, and you get the proper way to handle it. You could hold that side?

D: Uh, huh.

P: It would seem to me that would be worthwhile.

D: Well, that's one problem.

P: I know you have a problem here. You have the problem with Hunt and his clemency.

D: That's right. And you are going to have a clemency problem with the

others. They all are going to expect to be out and that may put you in a position that is just untenable at some point. You know, the Watergate hearings just over, Hunt now demanding clemency or he is going to blow. And politically, it's impossible for you to do it. You know, after everybody—

P: That's right!

D: I am not sure that you will ever be able to deliver on the clemency. It may be just too hot.

P: You can't do it politically until after the '74 elections, that's for sure. Your point is that even then you couldn't do it.

D: That's right. It may further involve you in a way you should not be involved in this.

P: No—it is wrong that's for sure.

D: Well—there have been bad judgments made. There have been some necessary judgments made.

P: Before the election?

D: Before the election and in the wake the necessary ones, you know, before the election. You know, with me there was no way, but the burden of this second administration is something that is not going to go away.

P: No, it isn't.

D: It is not going to go away, Sir!

(Haldeman enters the room)

P: . . . What really has to happen is for you to sit down with those three [Mitchell, Ehrlichman, Haldeman] and for you to tell them exactly what you told me.

D: Uh, huh.

P: It may take him about 35 or 40 minutes. In other words he knows, John knows, about everything and also what all the potential criminal liabilities are, whether it is—like that thing—what, about obstruction?

D: Obstruction of justice. Right.

P: So forth and so on. I think that's best. Then we have to see what the line is. Whether the line is one of continuing to run a kind of stone wall, and take the heat from that, having in mind the fact that there are vulnerable points there;—the vulnerable points being, the first vulnerable points would be obvious. That would be one of the defendants, either Hunt, because he is most vulnerable in my opinion, might blow the whistle and his price is pretty high, but at least we can buy the time on that as I pointed out to John. Apparently, who is dealing with Hunt at the moment now? Colson's—

D: Well, Mitchell's lawyer and Colson's lawyer both.

P: Who is familiar with him? At least he has to know before he is sentenced.

Telephone conversation: The President and Assistant Attorney General Henry Petersen, April 16, 1973 (8:58—9:14 p.m.).

HP: I will tell you one thing, Mr. President, that you ought to know. I had a call from (unintelligible) Ostrow of the *L. A. Times*, who is a decent man and a reasonably good acquaintance. A reporter of character, if there are any, and he said that they had a report out of the White House that—let me use his words—that two or three people in the White House were going to be thrown to the wolves. He asked if there was anything to it, and I said there is not a damn thing I can tell you about it. I just can't say anything about it one way or another. I don't want to confirm it and I don't want to deny it.

P: So they will probably write a story on that, huh?

HP: I don't know, but I mention it only because it's—

P: It's beginning to get out. Yeah.

HP: Beginning to percolate.

H: Who is Colson's lawyer? Is he in his law firm?

D: Shapiro. Right. The other day he came up and—

H: Colson has told him everything, hasn't he?

D: Yep, I gather he has. The other thing that bothered me about that is that he is a chatterer. He came up to Fred Fielding, of my office, at Colson's going away party. I didn't go over there. It was the Blair House the other night. He said to Fred, he said, "well, Chuck has had some mighty serious words with his friend Howard and has had some mighty serious messages back." Now, how does he know what Fielding knows? Because Fielding knows virtually nothing.

P: Well,—

H: That is where your dangers lie, in all these stupid human errors developing.

P: Sure. The point is Bob, let's face it, the secretaries, the assistants know all of this. The principals may be as hard as a rock, but you never know when they, or some of their people may crack. But, we'll see, we'll see. Here we have the Hunt problem that ought to be handled now.

P: You see, John is concerned, as you know, about the Ehrlichman situation. It worries him a great deal because, and this is why the Hunt problem is so serious, because it had nothing to do with the campaign. It has to do with the Ellsberg case. I don't know what the hell the—(unintelligible)

H: But what I was going to say—

P: What is the answer on this? How you keep it out, I don't know. You can't keep it out if Hunt talks. You see the point is irrelevant. It has gotten to this point—

D: You might put it on a national security grounds basis.

H: It absolutely was.

D: And say that this was—

H: (unintelligible)—CIA—

D: Ah—

H: Seriously.

P: National security. We had to get information for national security grounds.

D: Then the question is, why didn't the CIA do it or why didn't the FBI do it?

P: Because we had to do it on a confidential basis.

H: Because we were checking them.

P: Neither could be trusted.

H: It has basically never been proven. There was reason to question their position.

P: With the bombing thing coming out and everything coming out, the whole

thing was national security.

D: I think we could get by on that.

P: On that one I think we should simply say this was a national security investigation that was conducted. And on that basis, I think the same in the drug field with Krogh. Krogh could say feels he did not perjure himself. He could say it was a national security matter. That is why—

D: That is the way Bud rests easy, because he is convinced that he was doing. He said there was treason about the country, and it could have threatened the way the war was handled and (expletive deleted)—

P: Bud should just say it was a question of national security, and I was not in a position to divulge it. Anyway, let's don't go beyond that.

H: Well, the thing we talked about yesterday. You have a question where you cut off on this. There is a possibility of cutting it at Liddy, where you are now.

P: Yeah.

D: But to accomplish that requires a continued perjury by Magruder and requires—

P: And requires total commitment and control over all of the defendants which—in other words when they are let down—

H: But we can, because they don't know anything beyond Liddy.

D: No. On the fact that Liddy, they have hearsay.

H: But we don't know about Hunt. Maybe Hunt has that tied into Colson. We don't know that though, really.

P: I think Hunt knows a hell of a lot more.

D: I do too. Now what McCord does—

H: You think he does. I am afraid you are right, but we don't know that.

P: I think we better assume it. I think Colson—

D: He is playing hard ball. He wouldn't play hard ball unless he were pretty confident that he could cause an awful lot of grief.

H: Right.

P: He is playing hard ball with regard to Ehrlichman for example, and that sort of thing. He knows what he's got.

H: What's he planning on, money?

D: Money and—

H: Really?

P: It's about \$120,000. That's what, Bob. That would be easy. It is not easy to deliver, but it is easy to get. Now,

H: If the case is just that way, then the thing to do if the thing cranks out.

P: If, for example, you say look we are

not going to continue to—let's say, frankly, on the assumption that if we continue to cut our losses, we are not going to win. But in the end, we are going to be bled to death. And in the end, it is all going to come out anyway. Then you get the worst of both worlds. We are going to lose, and people are going to—

H: And look like dopes!

P: And in effect, look like a cover-up. So that we can't do. Now the other line, however, if you take that line, that we are not going to continue to cut our losses, that means then we have to look square in the eye as to what the hell those losses are, and see which people can—so we can avoid criminal liability. Right?

D: Right.

P: And that means keeping it off you. Herb has started this Justice thing. We've got to keep it off Herb. You have to keep it, naturally, off of Bob, off Chapin, if possible, Strachan, right?

D: Uh, huh.

P: And Mitchell. Right?

D: Uh, huh.

H: And Magruder, if you can.

P: John Dean's point is that if Magruder goes down, he will pull everybody with him.

H: That's my view. Yep, I think Jeb, I don't think he wants to. And I think he even would try not to, but I don't think he is able not to.

D: I don't think he is strong enough.

P: Another way to do it then Bob, and John realizes this, is to continue to try to cut our losses. Now we have to take a look at that course of action. First it is going to require approximately a million dollars to take care of the jackasses who are in jail. That can be arranged. That could be arranged. But you realize that after we are gone, and assuming we can expend this money, then they

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are going to crack and it would be an unseemly story. Frankly, all the people aren't going to care that much.

D: That's right.

P: People won't care, but people are going to be talking about it, there is no question. And the second thing is, we are not going to be able to deliver on any of a clemency thing. You know Colson has gone around on this clemency thing with Hunt and the rest?

D: Hunt is now talking about being out by Christmas.

H: This year?

D: This year. He was told by O'Brien, who is my conveyor of doom back and forth, that hell, he would be lucky if he were out a year from now, or after Ervin's hearings were over. He said how in the Lord's name could you be commuted that quickly? He said, "Well, that is my commitment from Colson."

H: By Christmas of this year?

D: Yeah.

H: See that, really, that is verbal evil. Colson is—That is your fatal flaw in Chuck. He is an operator in expediency, and he will pay at the time and where he is to accomplish whatever he is there to do. And that, and that's,—I would believe that he has made that commitment if Hunt says he has. I would believe he is capable of saying that.

P: The only thing we could do with him would be to parole him like the (unintelligible) situation. But you couldn't buy clemency.

D: Kleindienst has now got control of the Parole Board, and he said to tell me we could pull paroles off now where we couldn't before. So—

H: Kleindienst always tells you that, but I never believe it.

P: Paroles—let the (unintelligible) worry about that. Parole, in appearance, etc., is something I think in Hunt's case, you could do Hunt, but you couldn't do the others. You understand.

D: Well, so much depends on how Sirica sentences. He can sentence in a way that makes parole even impossible.

P: He can?

D: Sure. He can do all kind of permanent sentences.

P: (unintelligible)

D: Yeah. He can be a (characterization deleted) as far as the whole thing.

H: Can't you appeal an unjust sentence as well as an unjust?

D: You have 60 days to ask the judge to review it. There is no Appellate review of sentences.

H: There isn't?

P: The judge can review it.

H: Only the sentencing judge can re-

view his own sentence?

P: Coming back, though, to this. So you got that hanging over. Now! If—you see, if you let it hang there, you fight with them at all or they part—The point is, your feeling is that we just can't continue to pay the blackmail of these guys?

D: I think that is our great jeopardy.

P: Now, let me tell you. We could get the money. There is no problem in that. We can't provide the clemency. Money could be provided. Mitchell could provide the way to deliver it. That could be done. See what I mean?

H: Mitchell says he can't, doesn't he?

D: Mitchell says—there has been an interesting phenomena all the way along. There have been a lot of people having to pull oars and not everybody pulls them all the same time, the same way, because they develop self-interests.

H: What John is saying, everybody smiles at Dean and says well you better get something done about it.

D: That's right.

H: Mitchell is leaving Dean hanging out on him. None of us, well, maybe we are doing the same thing to you.

D: That's right.

H: But let me say this. I don't see how there is any way that you can have the White House or anybody presently in the White House involved in trying to gin out this money.

D: We are already deeply enough in that. That is the problem, Bob.

P: I thought you said—

H: We need more money.

D: Well, in fact when—

P: Kalmbach?

D: Well, Kalmbach.

H: He's not the one.

D: No, but when they ran out of that money, as you know it came out of the \$350,000 that was over here.

P: And they knew that?

D: And I had to explain what it was for before I could get the money.

H: In the first place, that was put back to LaRue.

D: That's right.

H: It was put back where it belonged. It wasn't all returned in a lump sum. It was put back in pieces.

D: That's right.

P: Then LaRue used it for this other purpose?

D: That's right.

H: And the balance was all returned to LaRue, but we don't have any receipt for that. We have no way of proving it.

D: And I think that was because of self-interest over there. Mitchell—

H: Mitchell told LaRue not to take it at

all.

D: That's right.

H: That is what you told me.

D: That's right. And then don't give them a receipt.

P: Then what happened? LaRue took it, and then what?

D: It was sent back to him because we just couldn't continue piecemeal giving. Everytime I asked for it I had to tell Bob I needed some, or something like that, and he had to get Gordon Strachan to go up to his safe and take it out and take it over to LaRue. And it was just a forever operation.

P: Why did they take it all?

D: I just sent it along to them.

H: We had been trying to get a way to get that money back out of here anyway. And what this was supposed to be was loans. This was immediate cash needs that was going to be replenished. Mitchell was arguing that you can't take the \$350,000 back until it is all replenished. Isn't that right?

D: That is right.

H: They hadn't replenished, so we just gave it all back anyway.

P: I had a feeling we could handle this one.

D: Well, first of all, I would have a hell of a time proving it. That is one thing.

P: I just have a feeling on it. Well, it sounds like a lot of money, a million dollars. Let me say that I think we could get that. I know money is hard to raise. But the point is, what we do on that—Let's look at the hard problem—

D: That has been, thus far, the most difficult problem. That is why these fellows have been on and off the reservation all the way along.

P: So the hard place is this. Your feeling at the present time is the hell with the million dollars. I would just say to these fellows I am sorry it is all off and let them talk. All right?

D: Well,—

P: That's the way to do it isn't it, if you want to do it clean?

H: That's the way. We can live with it, because the problem with the blackmailing, that is the thing we kept raising with you when you said there was a money problem. When you said we need \$20,000, or \$100,000, or something. We said yeah, that is what you need today. But what do you need tomorrow or next year or five years from now?

P: How long?

D: That was just to get us through November 7th, though.

H: That's what we had to have to get through November 7th. There is no question.

D: These fellows could have sold out to the Democrats for one-half a million.

P: These fellows though, as far as what has happened up to this time, are covered on their situation, because the Cuban Committee did this for them during the election?

D: Well, yeah. We can put that together. That isn't of course quite the way it happened, but—

P: I know, but that's the way it is going to have to happen.

D: It's going to have to happen.

P: Finally, though, so you let it happen. So then they go, and so what happens? Do they go out and start blowing the whistle on everybody else? Isn't that what it really gets down to?

D: Uh, huh.

P: So that would be the clean way—Right!

D: Ah—

P: Is that—you would go so far as to recommend that?

D: No, I wouldn't. I don't think necessarily that is the cleanest way. One of the things that I think we all need to discuss is, is there some way that we can get our story before a grand jury, so that they can really have investigated the White House on this. I must say that I have not really thought through that alternative. We have been so busy on the other containment situation.

P: John Ehrlichman, of course, has raised the point of another grand jury. I just don't know how you could do it. On what basis. I could call for it, but I—

D: That would be out of the question.

P: I hate to leave with differences in view of all this stripped land. I could understand this, but I think I want another grand jury proceeding and we will have the White House appear before them. Is that right John?

D: Uh huh.

P: That is the point, see. Of course! That would make the difference. I want everybody in the White House called. And that gives you a reason not to have to go before the Ervin and Baker committee. It puts it in an executive session, in a sense.

H: Right.

D: That's right.

H: And there would be some rules of evidence, aren't there?

D: There are rules of evidence.

P: Rules of evidence and you have lawyers.

H: You are in a hell of a lot better position than you are up there.

D: No, you can't have a lawyer before the grand jury.

P: Oh, no. That's right.



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H: But you do have rules of evidence. You can refuse to talk.

D: You can take the 5th Amendment.

P: That's right.

H: You can say you have forgotten too can't you?

D: Sure but you are chancing a very high risk for perjury situation.

P: But you can say I don't remember. You can say I can't recall. I can't give any answer to that that I can recall.

H: You have the same perjury thing on the Hill don't you?

D: That's right.

P: Oh hell, yes.

H: And the Ervin committee is a hell of a lot worse to deal with.

D: That's right.

P: The grand jury thing has its in view of this thing. Suppose we have a grand jury thing. What would that do to the Ervin committee? Would it go right ahead?

D: Probably. Probably.

P: If we do that on a grand jury, we would then have a much better cause in terms of saying, "Look, this is a grand jury, in which the prosecutor"—How about a special prosecutor? We could use Petersen, or use another one. You see he is probably suspect. Would you call in another prosecutor?

D: I would like to have Petersen on our side, if I did this thing.

P: Well, Petersen is honest. There isn't anybody about to question him is there?

D: No, but he will get a barrage when these Watergate hearings start.

P: But he can go up and say that he has been told to go further with the grand jury and go into this and that and the other thing. Call everybody in the White House, and I want them to come and I want them to go to the grand jury.

D: This may happen without even our calling for it when these—

P: Vesco?

D: No. Well, that is one possibility. But also when these people go back before the grand jury here, they are going to pull all these criminal defendants back before the grand jury and immunize them.

P: Who will do this?

D: The US Attorney's office will.

P: To do what?

D: To let them talk about anything further they want to talk about.

P: But what do they gain out of it?

D: Nothing.

P: To hell with it!

D: They're going to stonewall it, as it now stands. Excepting Hunt. That's why his threat.

H: It's Hunt opportunity.

P: That's why for your immediate things you have no choice but to come up with the \$120,000, or whatever it is. Right?

D: That's right.

P: Would you agree that that's the prime thing that you damn well better get that done?

D: Obviously he ought to be given some signal anyway.

P: (Expletive deleted), get it. In a way that—who is going to talk to him? Colson? He is the one who is supposed to know him?

D: Well, Colson doesn't have any money though. That is the thing. That's been one of the real problems. They haven't been able to raise a million dollars in cash. (unintelligible) has been just a very difficult problem as we discussed before. Mitchell has talked to Pappas, and John asked me to call him last night after our discussion and after you had met with John to see where that was. And I said, "Have you talked to Pappas?" He was at home, and Martha picked up the phone so it was all in code. I said, "Have you talked to the Greek?" And he said, "Yes, I have." I said, "Is the Greek bearing gifts?" He said, "Well, I'll call you tomorrow on that."

P: Well look, what it is you need on that? When—I am not familiar with the money situation.

D: It sounds easy to do and everyone is out there doing it and that is where our breakdown has come every time.

The President, John Dean, H. R. Haldeman and John Ehrlichman, EOB Office, March 21, 1973 (5:20-6:01 p.m.). The President and his aides discuss ways to keep the Watergate investigation under control. The conversation lasted 41 minutes and contains 16 unintelligible segments.

P: Well, what conclusions have you reached up to the moment?

H: Well, you go round and round and come up with all questions and no answers. Right back where you were at when you started.

P: Well, do you have any additional thoughts?

E: Well, I just don't think that the immunity thing will wash—

P: In a grand jury?

E: It may but (inaudible) John's grand jury package was—

P: To get immunity for some—

E: For various witnesses.

P: Who had to go before the grand jury.

E: I think you have to figure that that is out of the picture. I just don't believe we can do that. It can't be carried off.

H: Either the grand jury (inaudible) special, or a special panel.

D: A panel could investigate and report

P: Well, if you had it, how would you get it to somebody?

D: Well, I got it to LaRue by just leaving it in mail boxes and things like that. And someone phones Hunt to come and pick it up. As I say, we are a bunch of amateurs in that business.

H: That is the thing that we thought Mitchell ought to be able to know how to find somebody who would know how to do all that sort of thing, because none of us know how to.

D: That's right. You have to wash the money. You can get a \$100,000 out of a bank, and it all comes in serialized bills.

P: I understand.

D: And that means you have to go to Vegas with it or a bookmaker in New York City. I have learned all these things after the fact. I will be in great shape for the next time around.

H: (Expletive deleted)

P: Well, of course you have a surplus from the campaign. Is there any other money hanging around?

H: Well, what about the money we moved back out of here?

D: Apparently, there is some there. That might be what they can use. I don't know how much is left.

P: Kalmbach must have some.

D: Kalmbach doesn't have a cent.

P: He doesn't?

H: That \$350,000 that we moved out was all that we saved. Because they were afraid to because of this. That is the trouble. We are so (adjective deleted) square that we get caught at everything.

back on the whole thing. Immunized witnesses can be obtained.

P: Will it be an indictment of people in the presidential family?

D: We have pending work on legislation to get immunity powers at the Department of Justice right now, asking them to assess this.

P: Well, let's take the grand jury now, without immunity, and what are your ideas about getting out of it?

D: Well, yes I think that is still a possibility, at least for some very drastic results (inaudible) statutes later on some (inaudible)

E: Well, there could be people in and out of the White House indicted for various offenses.

P: The other item I mentioned, I wouldn't spend too much time with that.

E: The other item would be to pick out two papers and possibly three and say "(expletive omitted), you asked me about this. Here is my review of the facts." I think we disagree as to whether or not that is a viable. I think you could get out a fairly credible document that would stand up, and that would have the effect of maybe becoming the battle ground on a reduced scope, which I think is important. The big danger in the Ervin hearings, as I see it, is the committee will run out leads into areas that it would be better not to have them get into. And then [Sen.] Baker could come in this direction. And then you could put out a basic document that would come on in a limited subject that would rather consciously hit the target.

P: The imposing problem is this: Does anybody really think we can do nothing? That's the option, period. If he fights it out on this ground, it takes all summer.

H: Which it will.

P: That's it, whether or not today at the danger point.

H: Well, we have talked about that. We have talked about possible opportunities in the Senate. Things may turn up that we don't foresee now. Some people may be sort of playing the odds.

E: The problem of the Hunt thing or some of these other people, there is just no sign off on them. That problem goes on and on.

P: Well, that's right. If that's the case then, what is your view as to what we should do now about Hunt, et cetera?

E: Well, my view is that Hunt's interests lie in getting a pardon if he can. That ought to be somehow or another one of the options that he is most particularly concerned about. Now, his indirect contacts with John don't contemplate that at all — (inaudible)

P: He assumes that's already understood.

D: He's got to get that by Christmas, I understand.

E: That's right. And if he does, obviously he has a bigger defense crosswise.

H: If that blows —

E: If that blows and that seems to me, although I doubt if he is understood, he has really turned over backwards since he has been in there. However, can he, by talking, get a pardon? Clemency from the court? Obviously he has thought of this. If he goes in there and tells this judge before sentencing, if he says, "Your honor I am willing to tell all. I don't want to go to jail. I plead guilty to an offense. If I don't have to go to jail, I will cooperate with you and the government. I will tell you everything I know." I think that probably he would receive very favorable consideration.

P: Yeah. And then so the point we have to, the bridge we have to cross there, that you have to cross I understand quite soon, is what you do about Hunt and his present finance? What do we do about that?

D: Well apparently Mitchell and LaRue are now aware of it so they know how he is feeling.

P: True. Are they going to do some-

thing?

D: Well, I have not talked with either of them. Their positions are sympathetic.

P: Well, it is a long road isn't it? When you look back on it, as John has pointed out here, it really has been a long road for all of you, of us.

H: It sure is.

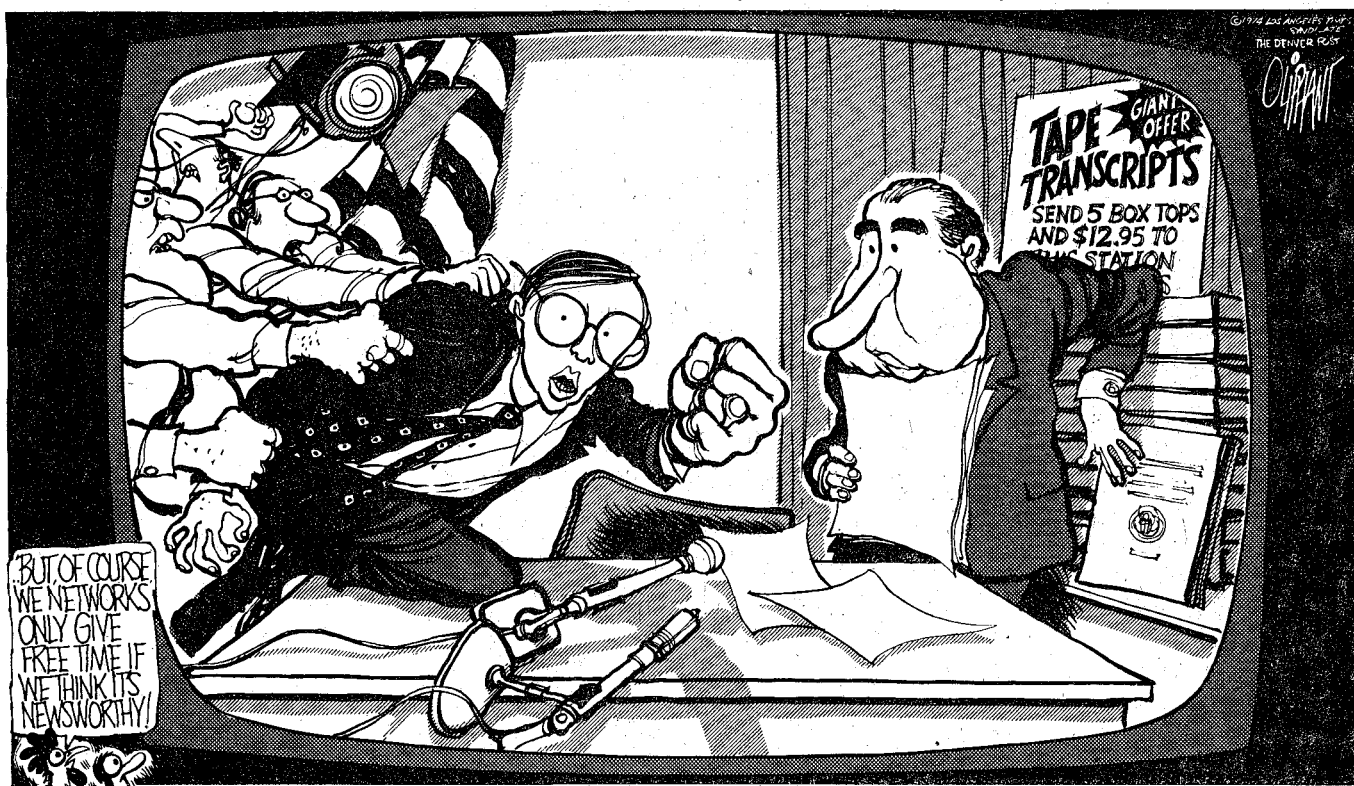
P: For all of us, for all of us. That's why you are wrestling with the idea of moving in another direction.

D: That's right. It is not only that group, but within this circle of people, that have tidbits of knowledge, there are a lot of weak individuals and it could be one of those who crosses up: the secretary to Liddy, the secretary to Jeb Magruder. Chuck Colson's secretary, among others, will be called before the Senate committee. This is not solved by one forum. A civil suit filed by O'Brien which for some reason we can't get settled. They are holding on to it. They will have intense civil discovery. They may well work hand and glove with that Senate committee. They will go out and take depositions and start checking for the inconsistencies, see what is in the transcript of one and see what people say in the other (inaudible).

P: Well, I am not going to worry about that.

D: Well, they, the people are starting to protect their own behind: Dwight [Chapin], for example, hired himself a lawyer; Colson has retained a lawyer; and now that we are all starting the self-protection certainly.

P: Maybe we face the situation. We



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can't do a damn about the participants. If it is going to be that way eventually, why not now? That is what you are sort of resigned to, isn't it?

D: Well, I thought (inaudible) by keeping on top of it it would not harm you. Maybe the individuals would get harmed.

P: We don't want to harm the people either. That is my concern. We can't harm these young people (inaudible) They were doing things for the best interests of their country—that is all.

H: Well, we don't have any question here of some guy stashing money in his pocket.

P: It isn't something like this, for example, (expletive omitted) treason.

H: Well, like Sherman Adams, doing it for their own ambition or comfort.

P: Well, that is why I say on this one that we have to realize that the system is going to run and that is your problem.

H: The only problem (inaudible)

D: It is structured. That your concern about, "There is something lurking here." Now is the time to get the facts before Richard Nixon himself. Dean couldn't get all the information. People wouldn't give it to him. There are things, there are a lot of things. And if you would like to get all of this information and you lay it before the public, but it is not going to come because some people go to a grand jury and tell the truth.

H: Lie?

P: And it isn't going to come out of the committee.

H: For those reasons.

D: It would not be fair. Go ahead, that's the point, or it may never come out. But now is the time to throw it all out.

H: They are not going to have the key witnesses.

D: So therefore you select a panel of the Attorney General, the head of the Criminal Division, head of the Civil Division—something like that. Call on everybody in the White House, and tell them we want them, we have been instructed by the President to tell him exactly what happened. And you won't be prosecuted for it because that is not the point now. The point is to get out this information. And then you will make a decision, based on what you learn, whether people can remain in the government or not. And if it is bad they will be removed or forced to resign. If it was something that is palatable, they'll go on with their job.

H: The hue and cry is, that this is a super-presidential board. And now

they realize that they have got guilty people, and they immunize them so that they cannot be prosecuted.

D: I am not so sure how many people would come out guilty.

H: The perception, as you put it.

P: The point is, we were talking—

D: All right, is that better? Or is it better to have (inaudible) and things blow up and all of a sudden collapse? Think about it.

H: After a little time, the President is accused of covering up that way.

P: That isn't the point.

E: Or is there another way?

P: Yeah, like—

E: The Dean statements, where the President then makes a bold disclosure of everything which he then has. And is in a position if it does collapse at a later time to say, "I had the FBI and the grand jury, and I had my own counsel. I turned over every document I could find. I placed in my confidence young people and as is obvious now (inaudible)

P: (inaudible) It doesn't concern me. I mean as far as the policy is concerned. You as White House Counsel, John. I asked for a written report, which I do not have, which is very general understand. I am thinking now in far more general terms, having in mind the facts, that where specifics are concerned, make it very general, your investigation of the case. Not that "this man is guilty, this man is not guilty," but "this man did do that." You are going to have to say that, John. Segretti (inaudible) That has to be said. And so under the circumstances...

E: Could he do this? To give some belief to this, that he could attach an appendix, listing the FBI reports that you had access to: interview with Kalmbach, interview with Segretti, interview with Chapin, Magruder and whoever and me. So that the President at some later time is in a position to say, "I relied."

D: And Dean cooperated on these things.

E: That's right.

P: It also helps with the [Patrick] Gray situation because it shows Dean's name on the FBI reports as reporting to the President. He can say in there, "I have not disclosed the contents of these to anybody else. Yes, I had access to the reports for the purpose of carrying out your instructions." And I know that that is true because you are the one I asked with regard to my report.

E: I think the President is in a stronger position later. The President is in a

stronger position later, if he can be shown to have justifiably relied on you at this point in time.

D: Well, there is the argument now that Dean's credibility is in question. Maybe I shouldn't do it. Maybe someone else—

H: This will rehabilitate you though. Your credibility—

P: As a matter of fact, John, I don't think your credibility has been much injured. Sure you are under a test that they want. You are up there to testify. I don't think it is the credibility. They want you to testify. I would not be too sensitive about that. You are going to make a hell of a good impression.

E: Beyond that, you can help your participation in the interviews by saying that, in addition to having seen the FBI synopses, you were present at the time of the interviews.

P: No. Not seeing. You were present at the time of the interviews and that you, yourself, conducted interviews of the following people. I am just trying to think of people, et cetera, that you can list.

D: It will turn it all into a puzzle.

H: Absolutely, yeah.

E: I am doing this in furtherance of my role.

P: Also, that there has been such a lot of—put out about what you have done without referring to the fact, without being defensive about it, you intended to—This should not be a letter to Eastland. I think this should be a letter to me. You could say that, "Now, now that hearings are going on, I can now give a report that we can put out."

H: That is what you can say. In other words, he gives you a report because you asked him for it, regardless of the timeliness.

D: I am not thinking of that. Don't worry about that. I have no problem with the timing. It is just that Liddy and McCord are still out on appeal. That is why I haven't tried to do this before.

H: We are going to have a big period of that. I think you could say—

E: You could say, "I have a report. I don't want to show it. I would not want it published because some fellows' trial of the case is still on."

P: Let me say this. The problem with, is: I don't believe that helps on our cause. The fact that cover up—I am not sure. Maybe I am wrong. The fact that the President says, "I have shown Ervin." Remember we had nobody there. I think that something has to go first. We need to put out something.

H: If we worry about the timeliness, and try to hang it on a sense thing, then

we have to ignore the trial, and say Dean has given you a report. We basically said it was an oral report. The thing is that Dean has kept you posted from time to time with periodic oral reports as this thing, as it becomes convenient. You have asked him now to summarize those into an overall summary.

P: Overall summary. And I will make the report available to the Ervin committee. And then I offer the Ervin committee report this way, I say, "Dear Sen. Ervin. Here is the report before your hearings. You have this report, and as I have said previously, any questions that are not answered here, you can call the White House staff member, and they will be directed to answer any questions on an informal basis." (inaudible)

H: Yeah.

E: Let's suppose you did do that. You did as to the burglary, you did it as to Segretti and you made some passing comments to money, right? You send her up there. Let's suppose I am called at some time. Our position on that is that I wasn't a prosecutor, that he was sent out to do an investigation on Ellsberg. And when we discovered what he was up to, we stopped him. Now, I suppose that lets Ellsberg out, because there are search and seizure things here that may be sufficient at least for a mistrial, if not for—

P: Isn't that case about finished yet?

E: Oh, it will go a little while yet. Let's suppose that occurred. That it was a national security situation. The man exercised bad judgment, and I think it is inarguable that he should never have been permitted to go to the committee after that episode, having reflected on his judgment that way. But beyond that, the question is did he completely authorize (inaudible)

P: Yeah. Getting back to this, John. You still tilt to the panel idea yourself?

D: Well, I see in this conversation what I have talked about before. They do not ultimately solve what I see as a grave problem of a cancer growing around the presidency. This creates another problem. It does not clean the problem out.

P: Well—

E: But doesn't it permit the President to clean it out at such time as it does come up? By saying, "Indeed, I relied on it. And now this later thing turns up, and I don't condone that. And if I had known that before, obviously I would have run it down."

P: Here's what John is to. You really think you've got to clean the cancer out

now, right?

D: Yes sir.

P: How would you do that? Do you see another way? Without breaking down our executive privilege.

D: I see a couple of ways to do it.

P: You certainly don't want to do it at the Senate, do you?

D: No sir, I think that would be an added trap.

P: That's the worst thing. Right. We've got to do it. We aren't asked to do it.

D: You've got to do it, to get the credit for it. That gets you above it. As I see it, naturally you'll get hurt and I hope we can find the answer to that problem.

E: All right, suppose we did this? Supposing you write a report to the President on everything you know about this. And the President then, prior to seeing it, says "Did you send the report over to the Justice Department?" When it goes he says, (unintelligible) has been at work on this. My counsel has been at work on this. Here are his findings."

P: Where would you start? I don't know where it stops. Ziegler? The Vice President?

H: Well, re Magruder over at Commerce. Obviously you would send a report over that said Magruder did this and that. Well, that is what he is talking about apparently.

P: And then Magruder. The fellow is a free agent.

H: The free agent.

P: Who according to the Hunt theory, could pull others down with him.

H: Sure. What would happen? Sure as hell we have to assume Dwight [Chapin] would be drawn in.

D: Draw numbers with names out of a hat to see who gets hurt and who doesn't. That sounds about as fair as you can be, because anyone can get hurt.

P: Strachan. This wouldn't do anything to him would it?

D: Strachan? I would say yes. About the same as Jeb [Magruder].

H: Do you think so?

D: Yes, I think he has a problem.

P: What is the problem about?

H: He has a problem of knowledge.

D: Magruder has a problem of action, action and perjury.

H: Well, Strachan handled the money. That is the problem.

D: The thing that I would like to hap-

pen, if it is possible to do it, is—Hunt has now sent a blackmail request directly to the White House.

P: Who did he send it to? You?

D: Yes.

P: Or to me?

D: Your counsel.

H: That is the interesting kind of thing, there is something there that may blow it all up that way and everything starts going in a whole new direction.

E: That he would hurt the Eastern Asian defense. Right there. That is blackmail.

H: For example, where does that take you? That takes you to your support, the other people who are not fully aware of the DC end of it. But then we didn't know about it either.

D: That's right. Well, then you have to get the proper people to say—

H: Well, see if we go your route, you can't draw the line someplace and say—

D: No, no you can't.

P: You see, if we go your route of cutting the cancer out. If we cut it out now. Take a Hunt. Well, wouldn't that knock the hell out from under him?

D: That's right.

H: If you take your move and it goes slightly awry, you have a certainty, almost, of Magruder going to jail, Chapin going to jail, and you going to jail, and probably me going to jail.

P: No, I question the last two.

H: Certainly Chapin. Certainly Strachan. No, not really. Chapin and Strachan are clean.

E: I think Strachan is hooked on this money.

P: What money was that?

E: He is an accessory on undeclared campaign funds.

H: That's not his problem. The only man responsible for that is the treasurer. I am sure.

D: I don't know under the law.

P: That undeclared was money from before 1970, that was 1968.

E: Yeah. But then it got back into the coffers and was used in this campaign.

D: Let's say that President sent me to the grand jury to make a report. Who could I actually do anything for? As a practical matter, firsthand knowledge, almost no one. All I could do would be to give them focus point leads.

P: Right.

H: Then they would start calling the leads.

D: That's right and whether all of them would come down or be served. There again, we don't have anybody who could talk to somebody who has learned to process that sort of thing on the out-

side. I was talking outside with Bob about Henry Petersen. We need to have someone talk to Henry Petersen, who can say to Henry, "What does this mean in criminal justice? What kind of a case could be made on this? What kind of sentences would evolve out of that?" He would have a pretty good idea of most of the statutes that are involved. There is so much behind the statutes. P: Do you want to recommend that? That you talk to him?

D: Well, you are putting in his knowledge.

P: I see.

D: There're a couple of points—

H: It would be even much better. Yes. I have this brother-in-law in school...

D: He wants a wild scenario.

H: My friend is writing a play, and he wants to see how—

D: It bothers me to do anything further now, sir, when Hunt is our real unknown.

P: Do you think it is a mistake to talk to him?

D: Yes, I do.

P: It doesn't solve anything—it's just one more step.

D: The payment to Hunt does. That is why I say if somebody would assess the criminal liability.

H: Maybe we are misassessing it?

D: Well, maybe. We don't know.

P: Would you reply to him?

H: I think I would.

E: How else would you do it? You could start down that road. Say, "I want to talk with you about some questions that arise in the course of my own investigation, but I would have to swear you to secrecy."

H: If he will take it on that basis.

D: The answer is, of course, in the course of this investigation I don't know whether he would talk to me off-the-record.

H: What are your options?

E: Boy, if you could eliminate the option by taking a legal position. You knew nothing about it.

P: So you don't see the statement thing helping insofar as in anyway sparking the start? You think that over some more.

D: Yes sir. You see it as a temporary cancer.

P: I agree with that. And the point is, —but you see, here is the way I would see the statement that we would put out: Everything we would intend to say in a general statement that I have already indicated with regard to the facts as we send them in, we say people are to cooperate, without executive privi-

lege, et cetera. Statement, it is true, is temporary. But it will indicate that the President has looked into the matter, has had his counsel report to him and this is the result of the matter. We tell the committee "we will cooperate." The committee will say no. And so we just stand right there.

D: Well, really I think what will complicate the problem will be Sirica giving a speech from the bench on Friday when he sentences. Where he will charge that he doesn't believe that the trial conducted by the lawyers for the government presented a legitimate case and that he is not convinced that the case represents the full situation.

H: In other words—

D: It will have a dramatic impact coming from the bench.

P: That's right.

D: I may say in Sirica's defense, it has been charged that there are higher-ups involved in this. He may take some dramatic action like, he might appoint a special prosecutor. Who knows?

P: Can he do that?

D: Sure.

P: He would appoint a special prosecutor, for what?

D: For work in the field of investigating. He is the presiding judge.

H: You know he can pick the grand jury. Or he said he could.

P: The government is going to do that for a while.

D: A week after sentencing they are going to take all of the people who have been sentenced before a grand jury—

P: These same ones?

D: These same ones. And see if they will now want to talk. When it comes to Sirica and sentencing, he may be giving the ones who talk a lesser sentence. If they don't talk, he will probably leave these long sentences stand.

P: Suppose he does that. Where does that leave us, John?

E: I don't think that is a surprise to the defendants. I think their counsel has advised them of that.

P: Right, right. However in terms of this, what about a solution? We are damned by the courts before Ervin even gets started.

E: The only thing we can say is that we have investigated it backwards and forwards in the White House, and have been satisfied on the basis of the report we had that nobody in the White House has been involved in a burglary,

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nobody had notice of it, knowledge of it, participated in the planning, or aided or abetted it in any way. And it happens to be true as for that transaction.

P: John, you don't think that is enough?

D: No, Mr. President.

E: Let's try another concomitant to that. Supposing Mitchell were to step out on that same day to say, "I have been doing some investigation at 1701 and I find—so and so and so and so."

The President and John Dean, Oval Office, April 16, 1973 (10:00-10:40 a.m.). This covers the President's final talk with his departing Counsel, John Dean. It lasted 40 minutes and contains six unintelligible segments. Curiously the conversation immediately before this, between the President, Haldeman and Ehrlichman, lasted only nine minutes but has 55 unintelligible segments.

P: You will remember we talked about resignations, et cetera, et cetera that I should have in hand. Not to be released.

D: Uh, huh.

P: But that I should have in hand something or otherwise they will say, "What the hell. After Dean told you all of this, what did you do?" You see?

D: Uh, huh.

P: I talked to Petersen about this other thing and I said, "Now what do you want to do about this situation on Dean, et cetera?" And he said, well, he said I don't want to announce anything now. You know what I mean.

D: Uh, huh.

P: But what is your feeling on that? See what I mean?

D: Well I think it ought to be Dean, Ehrlichman and Haldeman.

P: Well, I thought Dean at this moment.

D: All right.

P: Dean at this moment because you are going to be going and I will have to handle them also. But the point is, what is your advice? You see the point is, we just typed up a couple just to have here which I would be willing to put out. You know.

D: Uh, huh.

P: In the event that certain things occur, D: I understand.

P: To put—just putting. What is your advice?

D: I think it would be good to have it on hand, and I would think to be very honest with you—

P: Have the others too?

D: Yeah, have the others too.

P: Well as a matter of fact, they both suggested it themselves so I've got that—I am sorry, Steve, I hit the wrong bell.

D: (Half laugh)

P: So I have already done that with them.

D: All right.

P: They said look whatever—and I want to get your advice on them, too.

P: Such as what?

E: I don't know what he would say, but that he wanted to be some kind of a spokesman for 1701.

P: What the hell does one disclose that isn't going to blow something? I don't have any time. I am sorry. I have to leave. Well, goodbye. You meet what time tomorrow?

H: I am not sure. In the morning probably.

And what I would think we would want to do is to have it in two different forms here and I would like to discuss with you the forms. It seems to me that your form should be to request an immediate leave of absence. That would be one thing. The other, of course, would be just a straight resignation.

D: Uh, huh.

P: First, what I would suggest is that you sign both. That is what I had in mind. And then we'll talk about after—you don't know yet what you're. For example, if you go in and plead guilty you would have to resign.

D: That is right.

P: If on the other hand, you're going in

on some other basis, then I think the leave of absence is the proper thing to do.

D: Uh, huh, I would think so.

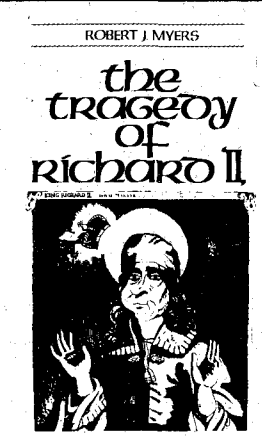
P: And that is the way I would discuss it with others, too. If you have any other thoughts, let me know. I am not trying to press you on the thing. I just want to be sure John's got the record of anything that I should have here.

D: I think it is a good idea. I frankly do. But I think if you do it, for one, I think you have problems with others too Mr. President.

P: I already have the others.

D: That is what I am trying to advise you on . . .

P: You see we got that problem today that the thing may break. You know with Magruder, et cetera and I. You know that is what I wanted to run over with you briefly. You know to get your feeling again as to how we handle it. You were saying the President should stay one step ahead of this thing. Well, we've got—the only problem is what the hell can I say publicly? Here is what we have done. I called in Kleindienst. I have been working on it all week. As soon as I got the Magruder thing I got in Kleindienst and then at 4:00 pm we got in Petersen. Kleindienst withdrew and assigned Petersen. I said, "All right, Henry, I don't want to talk



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with Kleindienst anymore about this case. I am just going to talk to you. You are in charge. You follow through and get to the bottom of this thing and I am going to let the chips fall where they may." We have covered that all the way down the line. Now I had to follow him to a certain extent on the prosecution side. On the other hand, on the PR side, I sure as hell am not going to let the Justice Department step out and say look we dragged the White House in here. I've got to step out and do it, John. Don't you agree?

D: That's right.

P: Again, I don't want to walk out and say look John Dean's resignation has been accepted. (Expletive omitted) That isn't fair.

D: Nor would it be fair to say Ehrlichman and Haldeman's have.

P: You see, they haven't been charged yet. As soon as they are charged it's a problem. But in your case you haven't been charged with anything yet.

D: No, I have not.

P: That is my problem. The only reason I am doing this is because of what you said about them and that is why I am getting from them too.

D: Well there is a chance today when LaRue goes down that Haldeman, Ehrlichman's name are going to be right down there before the grand jury.

P: Well, the name may be in but the point is you don't just throw somebody out because their name comes forth. You understand.

D: I understand.

P: You could also, if you would, I would like for you to prepare a letter that you would have for Ehrlichman and Haldeman. Would you do that?

D: Yes sir.

P: Then I will give them the form and let them work out something that is appropriate. Would you prepare that for me?

D: Yes, I will.

P: But they told me last night orally, just as you did, that . . .

D: They stand ready?

P: With head erect, they said, "Look, we will leave in a minute. We will leave today, do whatever you want." I said, "No, you are going to have to wait until we get some evidence." You know what I mean? . . .

D: Fortunately, I am hoping that the ultimate resolution of this thing is that no one has any problems and that is possible.

P: Legally?

D: Legally.

P: That's right, which I hope is your

case too. In other words when I say anything about the White House staff—not you, not Colson, or Haldeman because—(expletive omitted). Let me make this point again. I need—we know there is, Ziegler has always said it was oral.

D: That's right.

P: Right. But you remember when you came in, I asked you the specific question "Is anybody on the White House staff involved in it?" You told me, "No."

D: That's right. And I have no knowledge—

P: You still believe that—

D: Yes sir, I do.

P: But you did tell me that in the aftermath there were serious problems.

D: That's right.

P: Right. And, I said, "Well, let's see what they are."

D: And now you are beginning to see what they are. They are potential, technical, obstruction of justice problems.

P: I talked to Petersen last night and he made exactly the same point. He said the obstruction was morally wrong. No, not morally. He said it may not have been morally wrong and it may not have been legally wrong, but he said from the standpoint of the presidency you can't have it. So, he seems to think that the obstruction of justice thing is a (expletive omitted) hard thing to prove in court.

D: That's right.

P: Which I think should be some comfort to you.

D: Well, my lawyer tells me, you know, that, "legally you are in damn good shape."

P: Is that right? Because you're not—You were simply helping the defendants get their fees and their—What does he say?

D: In that position, I am merely a conduit. It is very technical, very technical. I am a conduit to other people. That is the problem.

P: What was the situation, John? The only time I ever heard any discussion of support for the defense fund was (inaudible). I guess I should have assumed somebody was helping them. I must have assumed it. But I must say people were good in a way because I was busy. Was when you mentioned to me something about hard-hitting problem. But that was handled by Mitchell. Was that true or what?

D: The last time we had a request was the week before sentencing.

P: He hit you at a dinner or something?

D: No, no. O'Brien, who was one of the lawyers who was representing the re-

election committee, was asked by Hunt to meet with him. He came to me after the meeting and said that Hunt asked that the following message be passed to you. I said, "why me?" He said, "I asked Hunt the same question."

P: You, Dean—or me, the President?

D: Passed to me, Dean.

P: He had never asked you before?

D: No.

P: Let me tell you. What did you report to me on though. It was rather fragmentary, as I recall it. You said Hunt had a problem—

D: Very fragmentary. I was—

P: I said, "Why John, how much is it going to cost to do this?" That is when I sent you to Camp David and said (expletive removed) "Let's see where this thing comes out."

D: That's right.

P: And you said it could cost a million dollars.

D: I said it conceivably could. I said, "If we don't cut this thing—"

P: How was that handled? Who handled that money?

D: Well, let me tell you the rest of what Hunt said. He said, "You tell Dean that I need \$72,000 for my personal expenses, \$50,000 for my legal fees and if I don't get it I am going to have some things to say about the seamy things I did at the White House for John Ehrlichman." All right I took that to John Ehrlichman. Ehrlichman said, "Have you talked to Mitchell about it?" I said, "No, I have not." He said, "Well, will you talk to Mitchell?" I said, "Yes I will." I talked to Mitchell. I just passed it along to him. And then we were meeting down here a few days later in Bob's office with Bob and Ehrlichman, and Mitchell and myself, and Ehrlichman said at that time, "Well is that problem with Hunt straightened out?" He said it to me and I said, "Well, ask the man who may know: Mitchell." Mitchell said, "I think that problem is solved."

P: That's all?

D: That's all he said.

P: In other words, that was done at the Mitchell level?

D: That's right.

P: But you had knowledge; Haldeman had knowledge; Ehrlichman had knowledge and I suppose I did that night. That assumes culpability on that, doesn't it?

D: I don't think so.

P: Why not? I plan to be tough on myself so I can handle the other thing. I must say I did not even give it a thought at the time.

D: No one gave it a thought at the time.

P: You didn't tell me this about Ehrlichman, for example, when you came in that day.

D: I know.

P: You simply said, "Hunt needs this money." You were using it as an example of the problems ahead.

D: I have tried all along to make sure that anything I passed to you myself didn't cause you any personal problems.

P: John, let me ask you this. Let us suppose if this thing breaks and they ask you John Dean, "Now, John, you were the President's counsel. Did you report things to the President?"

D: I would refuse to answer any questions unless you waive the privilege.

P: On this point, I would not waive. I think you should say, "I reported to the President. He called me in and asked me before, when the event first occurred, and passed to the President the message that no White House personnel in the course of your investigation were involved." You did do that didn't you?

D: I did that through Ehrlichman and Haldeman.

P: I know you did because I didn't see you until after the election.

D: That's right.

P: Then you say, after the election when the McCord thing broke, the President called you in. I think that is when it was, wasn't it?

D: No. It was before the McCord thing, because you remember you told me after Friday morning that McCord's letter — you said, "you predicted this was go-

ing to happen." Because I had oh, in the week or two weeks —

P: Why did I get you in there? What triggered me getting you in?

D: Well, we just started talking about this thing.

P: But I called you and Moore together for a Dean report, didn't I?

D: On a Wednesday morning —

P: Oh, I know what was involved. It was involving that damn executive privilege and all that.

D: The [Pat] Gray things were popping. On the Wednesday morning before I asked —

P: We had three conversations to my recollection.

D: Well, sir, I think we had more than that. But, of course, we have a record of that through those people.

P: Yeah.

D: I think we had more than that.

P: I have to read this. Go ahead.

D: But the one report where I finally called Bob and said, "Bob, I don't think the President has all the facts."

P: That's right and then you came and sat in this chair and that is the first time that I realized the thing.

D: That's right.

P: Now the question: well Mr. Dean, is: "Why didn't you tell the President before?" And your answer there is, "I didn't know." That's what you told me last night. You see, I don't want you, John, to be in a position and frankly I don't want the President to be in the position, where one of his trusted people had information that he kept from

him.

D: I did not know.

P: Fine. You did not know. How did you find out then? But you can handle that.

D: That's right.

P: But I did ask you and I think you should say the President authorized me to say this—I won't reveal the conversation with the President—he asked me this question. I told him this, that nobody in the White House was involved. And in addition to that to the best of my ability I kept, I guess, or how do you think you should handle this presidential advice? Maybe you better—

D: Well, I think the less said about you, I think you say anything you want to say anything about it.

P: Well, let me tell you I am going to handle that properly and I just wanted to be sure that it jives with the facts. I can say that you did tell me that nobody in the White House was involved and I can say that you then came in, at your request, and said, "I think the President needs to hear more about this case."

D: That's right.

P: Then it was that night that I started my investigation.

D: That's right—that was the Wednesday before they were sentenced. Now I can get that date—

P: Would you do this. Get your chronology of this. Wednesday you came in and told me that, et cetera. That would be helpful for me to have. That is when I frankly became interested in the case and I said, "Now (expletive omitted) I



"I think we're also getting a terrible shortage of confidence!"

want to find out the score." And set in motion Ehrlichman, Mitchell and—not Mitchell but a few others. OK?

D: Sure.

P: One other thing. On this privilege thing—nothing is privileged that involves wrongdoing.

D: That is correct.

P: On your part or wrongdoing on the part of anybody else. I am telling you that now and I want you when you testify, if you do, to say that the President told you that. Would you do that? Would you agree to that?

D: Yes sir.

P: Fine. However, let me say with regard to what we call the electronic stuff they heard, and what I have now found is in the leak area of the national security area. That I consider privileged.

D: I do too.

P: And I think you should say, for example, on that. What I mean is I think in the case of the [Joseph] Kraft's stuff what the FBI did, they were both fine. I have checked the facts. There were some done through private sources. Most of it was done through the bureau after we got—Hoover didn't want to do Kraft. What it involved apparently, John, was this: the leaks from the NSC [National Security Council]. They were in Kraft and others' columns and we were trying to plug the leaks and we had to get it done and finally we turned it over to Hoover. And then when the hullabaloo developed we just knocked it off altogether. But in my view, I consider that privileged.

D: I have no intention of raising that in any conversation.

P: Have you informed your lawyers about that?

D: No.

P: I think you should not. Understand, not because it would cut anything but I do think it is privileged. But it is up to you.

D: No—I think it is privileged also.

P: Support your own—and this was necessary to do. If we had had Hoover under more control, as Lyndon Johnson did, it would have been better. Now, your guess is when will you be called? Perhaps Tuesday or Wednesday or—

D: I would think sometime this week.

P: You don't think the thing is likely to break today?

D: No, I don't.

P: I wonder what Ziegler's got. He must, he seems to think something is going to break. He hasn't been in to see me and I will have to get him in later. Well, I will ask Petersen. Don't you agree with me that it is better that we

make the first announcement and not the Justice Department.

D: Yes, I do. On your own staff.

P: Oh hell, I am going to make the announcement on Magruder too. (expletive omitted) It was our campaign. I am not going to have the Justice Department—we triggered this whole thing. Don't you agree? You helped to trigger it. You know what I mean.

D: When history is written and you put the pieces back together, you will see why it happened. Because I triggered it. I put everybody's feet to the fire because it just had to stop.

P: That's right.

D: And I still continue to feel that.

P: You put Magruder's feet to the fire. Where did you see Magruder?

D: I didn't. In fact, I refused to see him. That was one of the problems.

P: Oh, and that's why—

D: I started to talk with—I met with him in one of these outer offices at a meeting.

P: What got Magruder to talk? I would like to take the credit.

D: Well.

P: I was hoping that you had seen him because—

D: He was told, one, that there was no chance.

P: As a matter of fact, he made a statement about (inaudible) around the White House. I guess this was pre-primaries—it was all committed. But on Magruder, come again.

D: The situation there is that he and Mitchell were continuing to talk. Proceeding along the same course they had been proceeding to locking their story, but my story did not fit with their story. And I just told them I refused to change, to alter my testimony. But would repeat it just as I had given it. This had to do with a number of meetings in the Department of Justice.

P: Oh yes, I remember. You told me that. I guess everybody told me that. Dean said, "I am not going down there and lie," because your hand will shake and your emotions. Remember you told me that.

D: Yes, I said that. I am incapable of it.

P: Thank God. Don't ever do it John. Tell the truth. That is the thing I have told everybody around here. (expletive omitted) tell the truth! All they do John is compound it. That (characterization omitted) Hiss would be free today if he hadn't lied. If he had said, "Yes I knew Chambers and as a young man I was involved with some Communist activities but I broke it off a number of years ago." And Chambers would have

dropped it. If you are going to lie, you go to jail for the lie rather than the crime. So believe me, don't ever lie.

D: The truth always emerges. It always does.

P: Also there is a question of right and wrong too.

D: That's right.

P: Whether it is right and whether it is wrong. Perhaps there are some gray areas, but you are right to get it out now.

D: I am sure.

P: On Liddy I wanted to be sure. You recall our conversation. You asked me to do something. I have left it with Petersen now and he said he would handle it. That's the proper place. When Liddy says he cannot talk with peers it must be higher authority, I am not his higher authority. It is Mitchell.

D: Well, he obviously is looking for the ultimate, but I think he is looking for the ultimate. He has the impression that you and Mitchell probably talk on the telephone daily about this.

P: You know we have never talked about this.

D: I understand that.

P: I have never talked to Mitchell about this except when whether we go the executive privilege thing.

D: Right.

P: He came in and said everyone should testify in executive session except you. Which I think, I think it should not be with executive privilege.

D: I think, Mr. President, the earlier, it will be a fizzle, when Petersen finishes with his—

P: You don't think we can hold to executive privilege anyway do you, John?

D: To hold on executive privilege?

P: Tell me your version what should we do?

D: I think if there are indictments down there in that court room, none of us will be able to go up to testify. I think the Watergate is just going to be totally carved out of the Ervin hearings.

P: That's Watergate and then the other stuff is not that important, Segretti and all that?

D: Segretti and all that stuff is not that important. They will try. They can have a lot of fun with it, but it is not very meaningful.

P: So you think that Liddy thought that my calling Mitchell would be typical. Well, we covered that last night. You were there. Is that enough?

D: Petersen will tell you if it doesn't—

P: You tell me if you don't think it is enough—

D: No, I think it is enough.

P: I am going to expect you—after all,

you are still the counsel around here—

D: (Laughter)

P: No, I am serious. You've got to advise me the same with Haldeman and Ehrlichman as long as you are around here, we've got to—

D: Well, I want to lay one thing out. I think there is a mythical belief—Now, I have not talked to Bob or John about this—they don't have a problem Mr. President. And I am not really sure that they do, but I am telling you, they do.

P: A problem? There is no question about it. Petersen made the point. I said, "Tell me what the facts are." And he said, "The problem is that they are going to get splashed, and when they get splashed, you've got a problem, Mr. President." Now then he goes on to say that as far as the legal form of obstruction is concerned and he covers all three of you here, it is a very difficult case to prove. Do you agree with that?

D: Uh, huh. That's fine.

P: You see that is the point. I know it would work. I am speaking not in personal terms.

D: It is a technical case and it is a tough case.

P: It's a tough one to prove. What does he mean by that?

D: Apparently, my lawyer said, "Now, I have won cases on this with tougher facts than you've got I will assure you." It would not be a—

P: So that is their real culpability, both Ehrlichman and Haldeman are in on the obstruction, is that your point?

D: It would be a very good idea if they had counsel.

P: I told them last night they ought to get lawyers so I am one step ahead of you there. Is there anything else you think I should do? You don't think I should—I am not going to let the Justice Department break this case, John.

D: I understand. You've got to break it. You are breaking it. Well, (expletive omitted) that is what we have done.

D: That's right . . .

P: Now when they say, "Now Mr. Dean, why didn't you tell the President—did you know about this? Why didn't you tell the President?"

D: That is a PR situation Mr. President. The US Attorneys are not going to ask me questions, asking what I said to the President and what I didn't.

P: Well, I frankly think—I would hope you can help on the PR there by saying—

D: I will be happy to help on it.

P: I would like for you to say—and you are free to talk. You are to say, "I told the President about this. I told the Pres-

ident first there was no involvement in the White House. Afterwards, I told the President that I—" And the President said, "Look I want to get to the bottom of this thing, period." See what I am driving at—not just the White House. You continued your investigation, et cetera, and the President went out and investigated on his own. Which I have done, believe me. I put a little pressure on Magruder and a few of . . .

D: Uh, huh.

P: And as a result of the President's actions this thing has been broken.

D: That's right.

P: Because also I put pressure on the Justice Department—I told Kleindienst—(expletive omitted)

D: No, I think you are in front right now and you can rest assured everything I do will keep you as far as—

P: No, I don't want, understand when I say don't lie. Don't lie about me either.

D: No, I won't sir—you—

P: I think I have done the right thing, but I want you to—if you feel I have done the right thing, the country is entitled to know it. Because we are talking about the presidency here.

D: This thing has changed so dramatically. The whole situation since I gave you the picture.

P: Since you sat in that chair—

D: In that chair over there and gave you what I thought were the circumstances, the potential problems. You have done nothing but try to get to the bottom of this thing, and—

P: I think so. Well, I said, "Write a report." But my purpose was you write a report as I said, "I want the Segretti stuff. Put everything else. Was the White House involved? You know, et cetera." How about—one last thing. Colson. You don't think they are going to get him into something?

D: I think he has some technical problems close also. I don't know if he has any. To the best of my knowledge, he had no advance knowledge of this thing.

P: Right. I suppose the key there is Hunt. He was so close to Hunt. I just want to know for my own benefit. As I told you last night, I don't want to get out there in front and have someone say "What about Chuck Colson?"

D: Chuck swore up and down to me—

P: I have got to say—to you John Dean—was Colson involved?

D: I have no information that he was at all.

P: Post? The two things you mentioned last night.

D: That and let's face it the other technical jobs, you know.

P: Yeah.

D: All the obstruction is technical stuff that mounts up.

P: Well, you take for example, the clemency bit. That is solely Mitchell apparently and Colson's talk with Bittmann where he says he will do everything I can because as a friend.

D: No, that was with Ehrlichman.

P: Hunt?

D: That was with Ehrlichman.

P: Ehrlichman with whom?

D: Ehrlichman, and Colson and I sat up there. Colson presented his story to Ehrlichman regarding it and then John gave Chuck very clear instructions on going back and telling him [Hunt]. "Give him the inference he's got clemency but don't give him any commitment."

P: No commitment.

D: Right.

P: That's all right. No commitment. I have a right to say here—take a fellow like Hunt or a Cuban whose wife is sick or something and give them clemency for that purpose—isn't that right?

D: That's right.

P: But John specifically said, "No commitment," did he?

D: Yes.

P: And then Colson went on apparently to—

D: I don't know how Colson delivered it—

P: To Hunt's lawyer—isn't that your understanding?

D: Yes, but I don't know what he did or how—

P: Where did this business of the Christmas thing get out, John? What in the hell is that all about it? That must have been Mitchell, huh?

D: No, that was Chuck again.

P: That they would all be out by Christmas?

D: No, I think he said something to the effect that Christmas is the time the clemency generally occurs.

P: Oh yeah. Well, I don't think that is going to hurt him. Do you?

D: No.

P: Clemency is one thing. He is a friend of Hunt's. I am just trying to put the best face on it, but if it is the wrong thing to do I have to know.

D: Well, one of the things, I think you have to be very careful. And this is why the issue should be very good is, if you take a set of facts and let the prosecutors who have no PR judgment but they will give you the raw facts as they relate to the law, and it's later you have to decide what public face will be put on it.

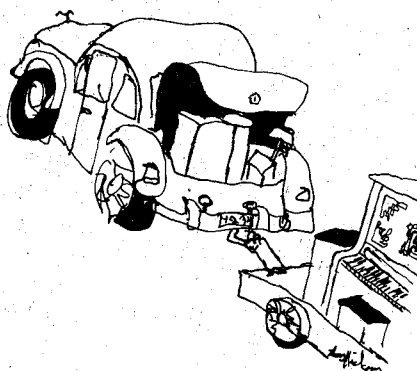
P: Oh, I understand. You can help on that, John.

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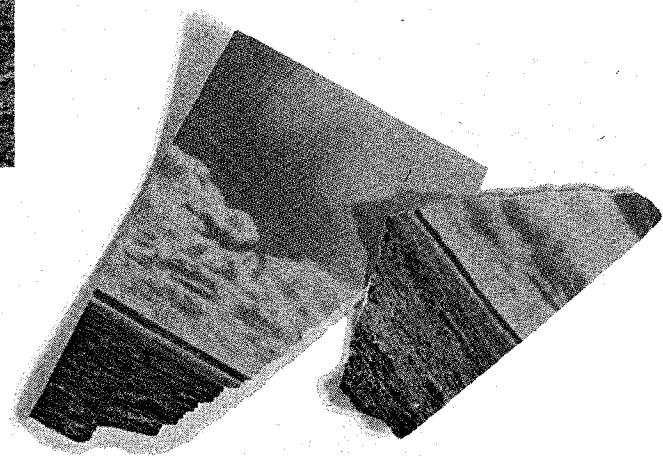
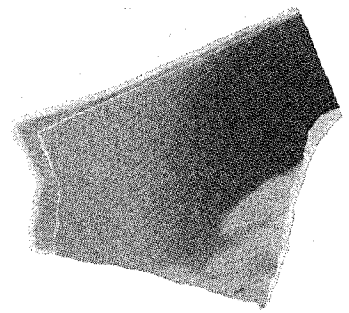
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